Journal of the Senate

Number 26—Regular Session **Friday, May 4, 2001**

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CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—40:

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

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

PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, as we stand before you on this last day of the 2001 Regular Session, we ask for your divine guidance as we finish the work of the people of the State of Florida. We ask your blessing upon these Senators as they return home to their families, and for your special blessing for the loved ones of Senator Miller and Senator Pruitt.

We ask also, dear God, that the members of this Legislature be not led into temptation and that you deliver us from overtime. We pray also that our point is well taken and that you concur as we send the final message for this session—"We did our best."

We thank you, God, for hearing our prayer. In your holy name. Amen.

PLEDGE

Senate Pages Adrian Abner of Blountstown, Katherine Smallwood and Brad Knight of Tallahassee, and Katie Holder of Orange Park, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Walter Flesner of North Miami Beach, sponsored by Senator Silver, as doctor of the day. Dr. Flesner specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 2396—A resolution encouraging the Federal Emergency Management Agency to adopt a policy towards the Florida Keys that is consistent with Florida law and its own policy.

WHEREAS, under the Florida Statute of Limitations, section 95.11(3)(c), Florida Statutes, Judge Richard Payne ruled on October 6, 2000, that Monroe County could not enforce removal of downstairs enclosures that were built over 4 years prior to enforcement action, and

WHEREAS, the Federal Emergency Management Agency (FEMA), in a letter dated July 29, 1991, threatened to suspend Monroe County from the National Flood Insurance Program (NFIP) if the county established a 4-year limitation on code violations, and

WHEREAS, FEMA, in a letter to Monroe County dated December 12, 2000, from its Associate Director for Mitigation, Michael J. Armstrong, stated that if Monroe County did not appeal Judge Payne's ruling of October 6, 2000, FEMA would consider this action as a defect in the county's floodplain management program, and

WHEREAS, Monroe County was denied a rehearing on January 19, 2001, by Judge Payne to reconsider the ruling to remove all illegal downstairs enclosures, and

WHEREAS, FEMA records show that Monroe County has a high participation and a low claim history in the NFIP, and

WHEREAS, 76,000 pre-firm structures, out of 4.3 million pre-firm structures that have had two or more losses since 1978, represent 33 percent of all losses paid by FEMA, and

WHEREAS, only 1.9 million pre-firm structures out of 4.3 million pre-firm structures have their lowest floors above base flood level, and it is punitive to mandate that Monroe County remove more than 4,000 downstairs enclosures because they are below base flood level, and

WHEREAS, 23 percent of NFIP claim dollars paid from 1978 to 1996 went to areas not identified as special hazard flood areas, and

WHEREAS, Texas and Louisiana account for 40 percent of all repeated flood claims (1.1 billion), and

WHEREAS, with the exception of Key Biscayne, the majority of repeated flood claims comes from the gulf coast on the top half of the State of Florida, and

WHEREAS, the current FEMA policy towards the Florida Keys is arbitrary, capricious, and inconsistent with its national policy, and its

enforcement of a special pilot program does not align with FEMA's own stated goals, and

WHEREAS, the enforcement of FEMA's pilot program is inconsistent with Florida law and would create enormous economic hardships on the economy of the Florida Keys, and

WHEREAS, the removal of more than 4,000 downstairs enclosures would work against the stated policy of the Department of Community Affairs to provide affordable housing for the people of Monroe County, and

WHEREAS, the Florida Senate recognizes that Monroe County must follow the laws of the State of Florida and its circuit judges, NOW, THEREFORE,

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

That the Federal Emergency Management Agency is encouraged to adopt a policy toward the Florida Keys that is consistent with Florida law and its own national policy.

—**SR 2396** was introduced, read and adopted by publication.

At the request of Senator Diaz de la Portilla—

By Senator Diaz de la Portilla—

SR 2398—A resolution honoring the Hearing Research Institute and recognizing May 4, 2001, as Infant Hearing Awareness Day.

WHEREAS, there are more than 3 million deaf children in this country, and

WHEREAS, more than 570 children are born deaf in this state each year, and

WHEREAS, until recently many of these children did not receive medical treatment or were misdiagnosed as autistic or mentally retarded, and

WHEREAS, section 383.145, Florida Statutes, created by the Florida Legislature in the 2000 Legislative Session, provides for hearing screening of newborn children, and

WHEREAS, section 383.145, Florida Statutes, is projected to save this state an average of $88,033 per child and, more importantly, save these children from a lifetime of silence and disability, thus enabling them to lead happy and productive lives, and

WHEREAS, the Hearing Research Institute and its medical director, Dr. Robert E. Pickard, were instrumental in the creation of section 383.145, Florida Statutes, NOW, THEREFORE,

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

That the Hearing Research Institute and Dr. Robert E. Pickard are hereby recognized for their dedication and work in providing for newborn hearing screening.

BE IT FURTHER RESOLVED that the Florida Senate recognizes May 4, 2001, as Infant Hearing Awareness Day in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Hearing Research Institute and Dr. Robert E. Pickard as a tangible token of the sentiments of the Florida Senate.

—**SR 2398** was introduced, read and adopted by publication.

MOTIONS

On motion by Senator King, the rules were waived and by two-thirds vote **SB 22** and **CS for SB 2124** were placed on the Special Order Calendar and taken up instanter.

SPECIAL ORDER CALENDAR

SB 22—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (622014)—On page 3, lines 3-8, delete those lines and insert:

Section 2. *The City of Vero Beach is authorized to compensate Joseph Arvay, out of funds of the city not otherwise appropriated, an amount not to exceed $4,349,094.48 which shall be paid pursuant to an amended Consent Final Judgment described below. Before the city is authorized to make any payments to Joseph Arvay, the Consent Final Judgment entered on July 3, 2000 in the case of Joseph Arvay v. City of Vero Beach, Case No. 94-0541 CA, 19th Judicial Circuit, in and for Indian River County, shall be amended to: 1) condition any payments of cash to Mr. Arvay on the prior appointment of a guardian of the property by the Circuit Court, 2) delete the requirement of paragraph 6 of the Consent Final Judgment granting an inheritance to Mr. Arvay's daughters of up to $75,000, and 3) reduce the attorney's fees payable under paragraph 7 of the Consent Final Judgment by $18,750 from $908,568.90 to $889,818.90.*

On motion by Senator Silver, by two-thirds vote **SB 22** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—King, Klein, Lawson, Wasserman Schultz

Yea to Nay—Webster

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 2124** was deferred.

BILLS ON THIRD READING

Consideration of **CS for SB 2** and **CS for HB 367** was deferred.

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district

school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

—as amended May 3 was read the third time by title.

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

Amendment 1 (300348)—On page 83, line 9, delete *200* and insert: *150*

Senator Constantine moved the following amendment:

Amendment 2 (740952)(with title amendment)—On page 47, lines 3-28, delete those lines

And the title is amended as follows:

On page 3, delete line 7

On motion by Senator Constantine, further consideration of **CS for CS for CS for SB's 310 and 380** with pending **Amendment 2** was deferred.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—which was previously considered this day.

An amendment was considered and adopted to conform **CS for SB 2124** to **HB 1565**.

Pending further consideration of **CS for SB 2124** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1565** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 1565—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2124** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1565** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Jones	Meek
Burt	Dawson	King	Miller
Campbell	Dyer	Klein	Mitchell
Carlton	Garcia	Latvala	Peaden
Clary	Geller	Laurent	Posey
Constantine	Holzendorf	Lawson	Pruitt
Cowin	Horne	Lee	Sanderson

Saunders	Silver	Villalobos	Webster
Sebesta	Smith	Wasserman Schultz	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Diaz de la Portilla, Sullivan

CONFERENCE COMMITTEE REPORT ON CS FOR SB 1118

The Honorable John M. McKay May 3, 2001
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1118, same being:

An act relating to elections

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment.
2. That the Senate and House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.
3. That the Senate and House of Representatives pass CS for SB 1118 as amended by said Conference Committee Amendment.

s/Bill Posey
Chairman
s/Lisa Carlton
s/Jim Sebesta
s/Rod Smith
Managers on the part
of the Senate

s/Johnnie Byrd, Jr.
Vice Chairman
s/Dudley Goodlette
s/Marco Rubio
s/Chris Smith
Managers on the part of
the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

Voting Systems

Punchcards, paper ballots, mechanical lever machines and central-count voting systems will no longer be used in the state, beginning with the 2002 primary election. Any future system certified for use in the state must have a precinct-count tabulation system. The Division of Elections is required to review voting system certification standards on an ongoing basis to insure that new voting technologies are certified for use in a timely manner. The Division of Elections is required to provide for a uniform ballot design for each certified voting system in the state.

Funding is provided to the counties based on the number of precincts in the county as of the 2000 General Election. Small counties will receive $7500 per precinct and other counties will receive $3750 per precinct. The distribution of funds is to be made over a two-year period.

Provisional Ballots

Voters who go to the polls on election day and whose eligibility cannot be determined will be allowed to vote a provisional ballot. A provisional ballot will not be counted unless the canvassing board determines that the voter was eligible to vote in the precinct at the election.

Recounts

The same manner of recount will be done in each affected jurisdiction. For statewide elections, recounts will be conducted in every county in Florida to insure fair and equal treatment of all Florida voters. For multicounty races, all counties comprising the district of the candidacy or ballot measure will be required to recount. An automatic machine recount will be conducted if the margin of victory is ½ of one percent or less. An automatic manual recount will be conducted of overvotes and undervotes if the margin of victory is ¼ of one percent or less. If the margin of victory is between ¼ and ½ of one percent, an affected candidate or party is entitled to a manual recount if timely and properly requested.

The current statutory standard of voter intent is clarified for purposes of manual recounts. A vote will count if there is a "clear indication on the ballot that the voter has made a definite choice." The Department of State is charged with adopting rules for each certified voting system prescribing precisely what constitutes a "clear indication on the ballot that the voter has made a definite choice" and prescribing uniform recount procedures.

Certification Deadlines

The deadlines for county canvassing boards to certify the results of an election are modified. The deadline for the first and second primary will be 7 days following the primary. Results for the general election will be due 11 days following the election. Any returns not filed by the deadline will be ignored, except in the case of a major emergency.

Second Primary Election

For the 2002 election cycle, the second primary will be eliminated. The remaining primary will be held on the second Tuesday in September to avoid the Labor Day holiday. Various dates are revised to conform to this change for the 2002 elections.

Military and Overseas Voting

Several new sections are created to facilitate the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act. These provisions include late registration, a state write-in ballot, e-mail notification of names of candidates, and electronic transmission of absentee ballots and requests from overseas voters.

A date line is provided on the absentee ballot envelope and a presumption is created to provide that a ballot from an overseas voter was mailed on the date signed and witnessed, regardless of whether there is a postmark or whether a postmark indicates a date after the election.

The Elections Canvassing Commission is authorized to adopt emergency rules to avoid the disenfranchisement of voters during times of crises.

Absentee Ballots

The definition of absentee ballot is clarified to clearly indicate that any registered voter may vote an absentee ballot without cause. The information to be provided when requesting an absentee ballot is modified to eliminate information regarding social security numbers and the voter identification number. An absentee ballot Voter's Certificate is required to contain the signature of the voter and the signature and address of a witness 18 years of age or older.

Several sections that were not precleared by the U.S. Department of Justice or that have proven unworkable have been repealed.

Canvassing boards will be allowed to process absentee ballots through the tabulating equipment up to 4 days before the election. No results may be released until after the polls close and any person who releases results early commits a 3rd degree felony.

Pollworker Training

Minimum standards and hourly requirements are provided for the training of pollworkers. In addition, the Division of Elections is required to adopt a uniform polling place manual to guide the pollworkers on procedures to be followed on election day.

Voter Education

The Division of Elections is required to adopt minimum standards for voter education. Each county will be able to receive funds for voter education and pollworker training upon submission of a detailed description of the programs to be implemented. Reports are required to be submitted indicating the effectiveness of voter education programs in each county.

A Voter's Bill of Rights and Responsibilities is required to be posted at each polling place on election day.

Elections Canvassing Commission

The composition of the Elections Canvassing Commission is modified. The Commission will consist of the Governor and two members of the Cabinet. Any vacancy must be filled with an elected official.

Election Contests

The grounds for an election contest are modified. The current provision, which affords a circuit judge unfettered discretion in fashioning orders and the authority to order investigations to prevent or correct any alleged wrong and to provide any appropriate relief, is eliminated.

Statewide Voter Registration Database

The Department of State is required to develop a statewide voter registration database containing voter registration information from all of the counties. The Department is given the authority to contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain the database. A criminal penalty is provided for any supervisor of elections who willfully refuses or neglects to perform his or her duties with respect to the implementation and administration of the database.

Time Zone Study

The Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, is required to study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A report of the findings is to be provided no later than January 1, 2002.

Polling Place Procedures

A provision requiring election officials to call out a voter's name loudly enough for the pollwatchers to hear is eliminated.

Voter Registration

The procedures for handling a voter registration application which is missing information are modified. Instead of being required to fill out a new application, a potential voter will be notified to provide the missing information in writing.

Public Financing

Contributions from out of state residents will not be counted toward the threshold amounts needed to receive public financing and will not be qualifying matching contributions.

Conference Committee Amendment (762054)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act shall be known as the "Florida Election Reform Act of 2001."*

Section 2. Effective September 2, 2002, subsections (2), (35), and (36) of section 97.021, Florida Statutes, as amended by this act, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(2) "Ballot" or "official ballot" when used in reference to:

~~(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)~~(b)~~ "Paper ballots" means that printed sheet of paper*, used in conjunction with an electronic or electromechanical vote tabulation voting system,* containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)~~(c)~~ "Electronic or electromechanical devices" means a ballot *that* ~~which~~ is voted by the process of *electronically designating, including by touchscreen,* ~~punching~~ or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(35) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot~~, be it a paper ballot, a voting machine ballot, or a ballot cast~~ for tabulation by an electronic or electromechanical device.

(36) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical,~~ electromechanical~~,~~ or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 3. Effective September 2, 2002, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. ~~The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.~~

Section 4. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—The ballots used in bond referenda shall *include a* ~~be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

Section 5. Effective September 2, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . . be removed from the office of . . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

"__(name of person)__ should be removed from office."

"__(name of person)__ should not be removed from office."

~~Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.~~

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 101.015, Florida Statutes, to read:

101.015 Standards for voting systems.—

(7) The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.

Section 7. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for *ballots* ~~general election ballot. In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:~~

(1) *Paper ballots* ~~The ballot~~ shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

~~(2) Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct~~

~~number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub shall not be required for absentee ballots.~~

(2)~~(3)~~(a) ~~Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose."~~ The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "~~Electors for~~ President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party *that* ~~which~~ received the highest vote for Governor in the last general election of the Governor in this state~~, above which shall appear the name of said party~~. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county *and district* offices as are involved in the general election, in the order fixed by the Department of State*, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members*. ~~When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for (name of office)"~~ shall be provided followed by a blank space in which to write the name of the candidate. *In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified.* With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(b) ~~Immediately following the name of each office on the ballot shall be printed, "Vote for One."~~ When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. *Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.* ~~The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.~~

(c) If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(3)(a)~~(4)~~ The names of the candidates of the party *that* ~~which~~ received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office *on the general election ballot*, together with an appropriate abbreviation of party name; the names of the candidates of the party *that* ~~which~~ received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)~~(5)~~ Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word "incumbent" shall appear next to the incumbent's name.

(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7)~~(6)~~ Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. Clear and unambiguous ballot instructions and directions;

2. Individual race layout; and

3. Overall ballot layout.

(b) The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.

~~(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.~~

~~(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.~~

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 8. Effective September 2, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

~~(1)~~ *Where applicable* ~~In any county in which voting machines are not used~~, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

~~(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.~~

Section 9. Effective September 2, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—The supervisor of elections~~, except where voting machines are used,~~ shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

Section 10. Effective September 2, 2002, section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) "Voting equipment" means ~~new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term "voting equipment" also includes~~ electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices*, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017*.

(3) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 11. Effective September 2, 2002, section 101.34, Florida Statutes, is amended to read:

101.34 Custody of voting *system* ~~machines~~.—The supervisor of elections shall be the custodian of *the* voting *system* ~~machines~~ in the county ~~using them~~, and he or she shall appoint deputies necessary to prepare and supervise the *voting system* ~~machines~~ prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

Section 12. Effective September 2, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting *system* ~~machine~~ custodians and deputy custodians.—

(1) No voting *system* ~~machine~~ custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of voting equipment, *may* ~~shall~~ accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

Section 13. Effective September 2, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—When ~~voting machines are used and~~ the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 14. Effective September 2, 2002, section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the *signatures* ~~signature~~, *doubts* ~~shall doubt~~ that the *signature* ~~handwriting affixed to a signature identification slip~~ of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF . . . . .

I do solemnly swear (or affirm) that my name is . . . . ; that I am . . . . years old; that I was born in the State of . . . . ; that I am registered to vote, and at the time I registered I resided on . . . . Street, in the municipality of . . . . , County of . . . . , State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this . . . . day of . . . . , A. D. (year) .

(Clerk or inspector of election)
Precinct No. . . . . .
County of . . . . .

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted ~~to the voting machine~~ to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 15. Effective September 2, 2002, subsections (4), (5), and (8) of section 101.5603, Florida Statutes, are amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(4) "Electronic or electromechanical voting system" means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment*, and the term includes touchscreen systems*.

(5) "Marking device" means ~~either an approved apparatus used for the piercing of ballots by the voter or~~ any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.

(8) "Voting device" means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing of ballots by the voter or~~ an apparatus by which votes are registered electronically.

Section 16. Effective September 2, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *A county must use an electronic or electromechanical precinct-count tabulation voting system.* ~~Any such board may~~

~~contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.~~

Section 17. *Effective September 2, 2002, a voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.*

Section 18. Effective September 2, 2002, section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(1) It permits and requires voting in secrecy.

(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(3) The automatic tabulating equipment shall be set to reject a ballot and provide the elector an opportunity to correct the ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

(4)~~(3)~~ *For rejected ballots that voters choose to cast,* the automatic tabulating equipment will be set to *accept the ballot and* reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.

(5)~~(4)~~ It is capable of correctly counting votes.

(6)~~(5)~~ It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

(7)~~(6)~~ At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

(8)~~(7)~~ It provides a method for write-in voting.

(9)~~(8)~~ It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

(10)~~(9)~~ It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11)~~(10)~~ It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

(12)~~(11)~~ If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

(13)~~(12)~~ It is capable of providing records from which the operation of the voting system may be audited.

(14) It uses a precinct-count tabulation system.

(15) It does not use an apparatus or device for the piercing of ballots by the voter.

Section 19. Paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 20. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611.* A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 21. Section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.

(2)~~(1)~~ On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment *publicly* tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of *such public* ~~the~~ preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the *public preelection test* ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the *public* preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating

equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 22. Effective September 2, 2002, subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, as amended by this act, are amended to read:

101.5614 Canvass of returns.—

(1)~~(a)~~ In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

(2)~~(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by~~ The Department of State~~, which rules~~ shall*, in accordance with s. 101.015, adopt rules that* provide safeguards ~~which conform as nearly as practicable to the safeguards provided in the procedures~~ for the counting of votes at *a precinct and at* a central *or regional* location.

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.~~

(3)~~(b)~~ *The results of* ~~If~~ ballots ~~are~~ tabulated at *precinct* ~~regional~~ locations~~, the results of such election~~ may be transmitted ~~via dedicated teleprocessing lines~~ to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns ~~by dedicated teleprocessing lines~~ shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been ~~punched or~~ marked in a manner which will enable them to be properly counted by such equipment.

Section 23. Effective September 2, 2002, section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting *systems and equipment* ~~machines~~ in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the *voting equipment* ~~election machines~~ and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 24. Section 101.595, Florida Statutes, is created to read:

101.595 Analysis and reports of voter error.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report on voter errors to the Department of State, along with the likely reasons for the errors and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

(a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;

(b) An identification of voting system design problems; and

(c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

Section 25. Effective September 2, 2002, subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, ~~including voting machines where used,~~ the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 26. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and *the* voting *devices of the voting system used in the county* ~~machines~~ are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 27. Effective September 2, 2002, subsections (4) and (7) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)*(a) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.*

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

Section 28. Subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

~~OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT~~

~~No. . . . . Party~~

~~. . . . COUNTY, FLORIDA~~

~~Precinct No. . . . . .~~

~~(Date)~~

~~(Signature of Voter)~~ ~~(Initials of Issuing Official)~~

~~Stub No. 1~~

~~OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT~~

~~No. . . . . Party~~

~~. . . . COUNTY, FLORIDA~~

~~Precinct No. . . . . .~~

~~(Date)~~

~~(Initials of Issuing Official)~~

~~Stub No. 2~~

~~OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT~~

~~. . . . Party~~

~~. . . . COUNTY, FLORIDA~~

~~Precinct No. . . . . .~~

~~(Date)~~

~~Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote,~~

~~For President~~

~~(Name of Candidate)~~

~~(Name of Candidate)~~

~~or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.~~

~~(Name of Delegate)~~ ~~(Name of Candidate)~~

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting *system* ~~machine~~; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting *system, components,* ~~machine~~ or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting *system or equipment* ~~machine~~ with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in *the* ~~said~~ election, *the* ~~said~~ ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the ~~said~~ ballots~~; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines~~.

Section 31. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1)

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates~~, as provided in s. 100.071,~~ in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 32. *Sections 100.071, 101.141, 101.181, 101.191, 101.251, and 101.5609, Florida Statutes, are repealed.*

Section 33. *Effective September 2, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.*

Section 34. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who *casts an absentee ballot.*~~:~~

~~(a) Is unable without another's assistance to attend the polls.~~

~~(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.~~

~~(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.~~

~~(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.~~

~~(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.~~

~~(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.~~

(2) "Ballot" or "official ballot" when used in reference to:

(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) "Paper ballots" means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(c) "Electronic or electromechanical devices" means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.

(5) "Department" means the Department of State.

(6) "Division" means the Division of Elections of the Department of State.

(7) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(8) "Election board" means the clerk and inspectors appointed to conduct an election.

(9) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(10) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(11) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(12) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(13) "Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.

(14)~~(13)~~ "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(15)~~(14)~~ "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16)~~(15)~~ "Nominal value" means having a retail value of $10 or less.

(17)~~(16)~~ "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(18)~~(17)~~ "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(19) "Overseas voter" means:

(a) Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b) Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c) Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered to vote as provided by law.

(20) "Overvote" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(21)~~(18)~~ "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(22)~~(19)~~ "Polling place" is the building which contains the polling room where ballots are cast.

(23)~~(20)~~ "Polling room" means the actual room in which ballots are cast.

(24)~~(21)~~ "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

(25) "Provisional ballot" means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or

(b) There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.

(26)~~(22)~~ "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.

(27)~~(23)~~ "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(28)~~(24)~~ "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(29)~~(25)~~ "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(30)~~(26)~~ "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(31)~~(27)~~ "Supervisor" means the supervisor of elections.

(32) "Undervote" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(33) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(34)~~(28)~~ "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(35)~~(29)~~ "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(36)~~(30)~~ "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 35. Section 101.048, Florida Statutes, is created to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote at the precinct in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and the envelope marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF . . . .

I do solemnly swear (or affirm) that my name is . . . . ; that my date of birth is . . . . ; that I am registered to vote and at the time I registered I resided at . . . . , in the municipality of . . . . , in . . . . County, Florida; that I am a qualified voter of the county and have not voted in this election.

(Signature of Voter)
(Current Address)

Sworn to and subscribed before me this . . . . day of . . . . . , (year).
(Clerk or Inspector of Election)

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 36. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of . . . . , in . . . . County, Florida, and I was registered to vote in the . . . . precinct of . . . . County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of . . . . , in . . . . County, Florida, and am therefore eligible to vote in the . . . . precinct of . . . . County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct . . . . as follows:
Name . . . . . .
Address . . . . . .
Municipality . . . . . .
County . . . . . .
Florida, Zip . . . . . .
My present name and address of legal residence are as follows:
Name . . . . . .
Address . . . . . .
Municipality . . . . . .
County . . . . . .
Florida, Zip . . . . . .
and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, *and upon verification of the elector's registration,* shall entitle such elector to vote as provided in this subsection. *If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048.* Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered ~~and when the elector cannot present a valid registration identification card~~, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 37. Subsections (1), (2), (5), (6), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, *provisional ballots,* and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver

it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, *provisional,* and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication *on the ballot that the voter has made a definite choice* ~~of the intent of the voter~~ as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) *If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure* ~~If an elector marks more names than there are persons to be elected to an office or if it is impossible to determine the elector's choice~~, the elector's ballot shall not be counted for that office *or measure*, but the ballot shall not be invalidated as to those names *or measures* which are properly marked.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes *and votes from provisional ballots*, shall constitute the official return of the election *upon certification by the canvassing board*. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may *vote a provisional ballot as provided in s. 101.048* ~~execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct~~.

Section 39. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) ~~Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission.~~ *The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy.* The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each *federal, state, and multi-county* office. ~~In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 40. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State~~; penalties~~.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following *a* ~~the first~~ primary *election and by 5 p.m. on the 11th day following the* ~~and~~ general election ~~and by 3 p.m. on the 3rd day following the second primary~~.

(3) If the returns are not received by the department by the time specified, such returns *shall* ~~may~~ be ignored and the results on file at that time *shall* ~~may~~ be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

~~(2) The department shall fine each board member $200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

~~(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 41. Present subsections (5) and (6) of section 102.141, Florida Statutes, are redesignated as subsections (7) and (8), respectively, present subsection (4) is amended and redesignated as subsection (6), subsections (2) and (3) are amended, and new subsections (4) and (5) are added to that section to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 *and provisional*

ballots as provided by s. 101.048. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots *and provisional ballots* shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots *and the provisional ballots* are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns *and the canvass of provisional ballots*, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before *2 a.m.* ~~noon~~ of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the day after any primary, general, special, or other election.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and recount the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6)~~(4)~~ If the *unofficial* returns ~~for any office~~ reflect that a candidate *for any office* was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the *precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return* ~~machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast~~. If there is a discrepancy between the *overall election return* ~~returns~~ and the counters of the *precinct tabulators* ~~machines or the tabulation of the ballots cast~~, the counters *of the precinct tabulators* ~~of such machines or the tabulation of the ballots cast~~ shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 42. Section 102.166, Florida Statutes, is amended to read:

102.166 *Manual recounts* ~~Protest of election returns; procedure~~.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure.

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the second day after the election.

(b) For federal, statewide, state, and multi-county races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.

(c) Upon receipt of a proper and timely request, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.

(3)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1,

2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.

(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

~~(1) Any candidate for nomination or election, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate canvassing board a sworn, written protest.~~

~~(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 5 days after midnight of the date the election is held, whichever occurs later.~~

~~(3) Before canvassing the returns of the election, the canvassing board shall:~~

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.~~

~~(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

~~(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.~~

~~(b) Such request must be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after midnight of the date the election was held, whichever occurs later.~~

~~(c) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.~~

~~(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.~~

~~(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:~~

~~(a) Correct the error and recount the remaining precincts with the vote tabulation system;~~

~~(b) Request the Department of State to verify the tabulation software; or~~

~~(c) Manually recount all ballots.~~

(4)~~(6)~~ Any manual recount shall be open to the public.

(5)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(6)~~(7)~~ Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine *whether the ballot contains a clear indication that the voter has made a definite choice* ~~a voter's intent in casting a ballot~~, the ballot shall be presented to the county canvassing board for *a determination* ~~it to determine the voter's intent~~.

(c) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;

2. Time and place of recounts;

3. Public observance of recounts;

4. Objections to ballot determinations;

5. Record of recount proceedings; and

6. Procedures relating to candidate and petitioner representatives.

~~(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.~~

~~(9) When the Department of State verifies such software, the department shall:~~

~~(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and~~

~~(b) Check the election parameters.~~

~~(10) The Department of State shall respond to the county canvassing board within 3 working days.~~

Section 43. *Section 102.167, Florida Statutes, is repealed.*

Section 44. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested ~~or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results~~

~~of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later~~.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

~~(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.~~

(4) The canvassing board or *Elections Canvassing Commission* ~~election board~~ shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding ~~primary or other~~ election.

~~(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.~~

Section 45. Subsections (1) and (2) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the *9th* ~~6th~~ day following the second primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the *9th* ~~6th~~ day following the second primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

Section 46. *(1) Notwithstanding s. 100.061, Florida Statutes, for the year 2002, a primary election for nomination of candidates of political parties shall be held on the second Tuesday in September. The candidate receiving the highest number of the votes cast in each contest in the primary election shall be declared nominated for such office. If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination.*

(2) Notwithstanding s. 100.091, Florida Statutes, or any other provision of the Florida Election Code to the contrary, there shall be no second primary election between the effective date of this act and January 1, 2004.

(3)(a) No later than 5 p.m. of the 9th day following the primary election in 2002, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(b) No later than the time specified in paragraph (a), each designated candidate for Lieutenant Governor shall file with the Department of State the qualifying papers specified in s. 99.063, Florida Statutes.

(4)(a) For the 2002 elections, following the last day of qualifying for office, reports pursuant to s. 106.07, Florida Statutes, shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

(5) For the 2002 elections, there shall be two elections for purposes of the contribution limits in s. 106.08, Florida Statutes.

Section 47. Section 97.0555, Florida Statutes, is created to read:

97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055 who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 48. Section 101.6951, Florida Statutes, is created to read:

101.6951 State write-in ballot.—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the

name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 49. Section 101.6952, Florida Statutes, is created to read:

101.6952 Absentee ballots for overseas voters.—

(1) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.

(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 50. Section 101.697, Florida Statutes, is created to read:

101.697 Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 51. Section 101.698, Florida Statutes, is created to read:

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 52. Paragraph (b) of subsection (1), and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;

2. The elector's address;

~~3. The last four digits of the elector's social security number;~~

3.~~4.~~ The ~~registration number on the~~ elector's *date of birth* ~~registration identification card~~;

4.~~5.~~ The requester's name;

5.~~6.~~ The requester's address;

6.~~7.~~ The requester's ~~social security number and, if available,~~ driver's license number*, if available*;

7.~~8.~~ The requester's relationship to the elector; and

8.~~9.~~ The requester's signature (written requests only).

~~(7)(a) For the purposes of this section, "absent qualified elector overseas" means:~~

~~1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;~~

~~2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and~~

~~3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,~~

~~who are qualified and registered as provided by law.~~

~~(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.~~

~~(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 53. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ... , *do solemnly swear or affirm that I* am a qualified and registered voter of . . . . County, Florida *and that I have not and will not vote more than one ballot in this election*. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature *properly* witnessed will invalidate my ballot. ~~I am entitled to vote an absentee ballot for one of the following reasons:~~

~~1. I am unable without another's assistance to attend the polls.~~

~~2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.~~

~~3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.~~

~~4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.~~

~~5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.~~

~~6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.~~

~~7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county~~

~~supervisor of elections.~~

(Date) (Voter's Signature)

~~(Last four digits of voter's social security number)~~

Note: Your Signature Must Be Witnessed By ~~Either:~~

~~a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.~~

~~Sworn to (or affirmed) and subscribed before me this . . . . day of . . . . . , (year) , by (name of person making statement) . My commission expires this . . . . day of . . . . . , (year) .~~

~~(Signature of Official)~~
~~(Print, Type, or Stamp Name)~~
~~(State or Country of Commission)~~

Personally Known . . . . . OR Produced Identification . . . . . .

Type of Identification Produced . . . . . .

~~OR~~

~~b.~~ One Witness *18 Years of Age or Older as provided in item 8 of the Instruction Sheet*~~, who is a registered voter in the State~~.

I swear or affirm that the voter signed this Voter's Certificate in my presence ~~and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election~~.

~~WITNESS:~~

(Signature of Witness)

~~(Printed Name of Witness)~~

~~(Voter I.D. Number of Witness and County of Registration)~~

(Address)

(City/State)

(2) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter or witness must cross the seal of the envelope. The absent elector and the attesting witness shall execute the certificate on the envelope.

Section 54. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

7. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.~~, place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:~~

~~a. One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

~~b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.~~

8. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.

9.~~7.~~ Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.~~8.~~ FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 55. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and registered elector ~~who is unable to attend the polls on election day~~ may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

(2) As an alternative to the provisions of ss. 101.64~~, 101.647,~~ and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The results or tabulation may not be made before the close of the polls on election day.

(a)~~(3)~~ The elector must provide picture identification and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I, ... , am a qualified elector in this election and registered voter of . . . . County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of . . . . County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot. ~~I am entitled to vote an absentee ballot because I am unable to attend the polls on election day.~~

(Voter's Signature)

(Address)

(City/State)

(Name of Witness)

(Signature of Witness)

(Type of identification provided)

(b)~~(4)~~ Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c)~~(5)~~ The canvass of returns for ballots cast under this *subsection* ~~section~~ shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 56. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not

later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin *at 7 a.m. on the fourth day before the election* ~~upon the opening of the polls on election day~~. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result ~~or tabulation of absentee ballots~~ shall be *released* ~~made~~ until after the *closing* ~~close~~ of the polls on election day. *Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature ~~and the last four digits of the social security number~~ of the elector, as shown by the registration records, and *the signature and address of an attesting witness.* ~~either:~~

~~a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or~~

~~b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope ~~or if the person witnessing the ballot is in violation of s. 104.047(3)~~. If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

Section 57. Section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than five ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3)~~(4)~~ Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(5) Any person who returns more than two absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 58. *Sections 101.647 and 101.685, Florida Statutes, are repealed.*

Section 59. Section 98.255, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.255, F.S., for present text.)

98.255 Voter education programs.—

(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:

(a) Voter registration;

(b) Balloting procedures, absentee and polling place;

(c) Voter rights and responsibilities;

(d) Distribution of sample ballots; and

(e) Public service announcements.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.

(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

Section 60. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct *for each election* and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.

2. Cast a vote if he or she is in line when the polls are closing.

3. Ask for and receive assistance in voting.

4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.

5. An explanation if his or her registration is in question.

6. If his or her registration is in question, cast a provisional ballot.

7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.

8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.

9. Vote free from coercion or intimidation by elections officers or any other person.

10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. Study and know candidates and issues.

2. Keep his or her voter address current.

3. Know his or her precinct and its hours of operation.

4. Bring proper identification to the polling station.

5. Know how to operate voting equipment properly.

6. Treat precinct workers with courtesy.

7. Respect the privacy of other voters.

8. Report problems or violations of election law.

9. Ask questions when confused.

10. Check his or her completed ballot for accuracy.

(3) Nothing in this section shall give rise to a legal cause of action.

(4)~~(2)~~ In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 61. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he or she serves. ~~During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.~~

Section 62. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the *supervisor must request that* ~~notice must instruct~~ the applicant *supply the missing information in writing and sign a statement that the additional information is true and correct* ~~to complete another voter registration application, which the supervisor must provide~~. A notice of denial must inform the applicant of the reason the application was denied.

Section 63. *Effective upon this act becoming a law, the Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, shall, from existing funds, study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A written report shall be presented to the the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2002. This report must include, but is not limited to, a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Saving Time.*

Section 64. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training during a general election year, at least two hours of which must occur after June 1 of that year.

(b) No inspector shall work at the polls unless he or she has had a minimum of three hours of training during a general election year, at least one hour of which must occur after June 1 of that year.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and poll-workers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 65. *Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.*

Section 66. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. *102.014* ~~102.012(8)~~.

Section 67. Section 106.31, Florida Statutes, is amended to read:

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. *Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups.* The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so *and to protect the effective competition by a candidate who uses public funding*.

Section 68. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate *may* ~~shall~~ not be an unopposed candidate as defined in s. 106.011(15) and *must* ~~shall~~:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)*(a)* Raise contributions as follows:

1.~~(a)~~ One hundred fifty thousand dollars for a candidate for Governor.

2.~~(b)~~ One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to $25,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

Section 69. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of $250 or less from an individual, made after September 1 of the calendar year prior to the election. *Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.* Aggregate contributions from an individual in excess of $250 will be matched only up to $250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

Section 70. Effective July 1, 2001, section 98.0977, Florida Statutes, is created to read:

98.0977 Statewide voter registration database; development and maintenance.—

(1) From the funds appropriated, the department may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated web site, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state, and shall be accessible through an Internet web site. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

(a) The voter is deceased;

(b) The voter has been convicted of a felony and has not had his or her civil rights restored; or

(c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified.

(2) The Department of State shall not contract with any private entity other than the Florida Association of Court Clerks for the operation or maintenance of the statewide voter registration database.

(3) In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the Florida Association of Court Clerks in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(5) The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.

(6) The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).

Section 71. *The Department of State may use up to $2 million, from funds provided in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, for the analysis, design, development, operation, and maintenance of the statewide voter registration database as provided in s. 98.0977(1), Florida Statutes. This section shall take effect July 1, 2001.*

Section 72. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:

(a) Municipalities;

(b) Other governmental agencies;

(c) Political candidates, for the purpose of furthering their candidacies;

(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn and subscribed before me this .... day of ....., (year).
(Name of person providing list)

Section 73. *Effective June 30, 2001, section 98.0975, Florida Statutes, is repealed.*

Section 74. *(1) From funds appropriated from the General Revenue Fund to the Division of Elections of the Department of State in specific appropriation 2898B of the 2001-2002 General Appropriations Act, notwithstanding the proviso language to that specific appropriation, the division shall distribute the sum of $5,949,375 in fiscal year 2001-2002 to the counties to fund comprehensive voter education programs and pollworker recruitment and training programs provided in this act. The Division shall divide the total amount of funds appropriated by the total number of registered voters in the state for the 2000 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2000 General Election.*

(2) No county shall receive any funds pursuant to subsection (1) until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs to be implemented pursuant to s. 98.255, Florida Statutes, for the 2002 election cycle.

(3) This section shall take effect July 1, 2001.

Section 75. *The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.*

Section 76. *Effective July 1, 2001, funds appropriated to the Division of Elections of the Department of State in the 2001-2002 General Appropriations Act for Voting Systems Assistance shall be distributed to the counties in the following manner:*

(1) Counties having a population of 75,000 or fewer based on the 2000 census shall receive a total of $7,500 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

(2) All other counties shall receive a total of $3,750 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.

Section 77. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect*

other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 78. Except as otherwise provided herein, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.34, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; requiring the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5607, F.S.; to correct a cross-reference; amending s. 101.5608, F.S.; providing procedures for ballots rejected by the vote tabulation device; amending s. 101.5612, F.S.; provide standards for logic and accuracy testing of vote tabulating equipment; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on voter errors following the general election; amending s. 102.012, F.S.; prescribing additional duties for election boards; deleting references to voting machines, to conform; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; directing the Department of State to ignore late-filed election returns except in the case of a statutory emergency; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; repealing s. 102.167, F.S.; eliminating a form for protests; amending s. 102.168, F.S.; revising the grounds for an election contest; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate; revising the primary date in 2002 and providing for only one primary until 2004; providing dates for Lieutenant Governor candidates to be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2002 elections; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), F.S., relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 106.31, F.S.; providing legislative intent with respect to campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that contributions from individuals who are not state residents may not be used as qualifying matching contributions; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for the use and distribution of an appropriation for the design of a statewide voter registration database; creating s. 98.0979, F.S.; prescribing requirements for copying information in the statewide voter registration database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing for the use and distribution of an appropriation for voter education and pollworker training; requiring the Division of Elections to provide a progress report on the upgrading of voting systems; providing for the distribution of an appropriation from the General Appropriations Act to counties; providing for study of elections process in multiple time zones; containing a severability clause; providing effective dates.

The Conference Committee Report was read and on motion by Senator Posey was adopted. **CS for SB 1118** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

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

Nays—2

Campbell	Holzendorf

Vote after roll call:

Nay to Yea—Campbell

BILLS ON THIRD READING, continued

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain

retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (493912)(with title amendment)—On page 1, line 21 through page 5, line 4, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-9, delete those lines and insert: An act relating to retirement; providing a

On motion by Senator Burt, **CS for SB 2** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Burt, the Senate reconsidered the vote by which **CS for SB 2** as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** was adopted.

On motion by Senator Burt, further consideration of **CS for SB 2** was deferred with pending **Amendment 1**.

Consideration of **CS for SB's 128 and 1598**, **HB 251** and **HB 21** was deferred.

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

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

That the amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized for that purpose.

SECTION 17. Excessive punishments.—Excessive fines, cruel *and* ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

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

AMENDING ARTICLE I, SECTION 17 OF THE STATE CONSTITUTION

Proposing an amendment to the State Constitution identical to a proposed amendment to Section 17 of Article I of the State Constitution which was approved by a statewide vote in 1998. The Supreme Court of Florida struck the 1998 amendment in a ruling in which four of the seven justices found that the ballot summary was inaccurate. The proposed amendment expressly authorizes the death penalty for capital crimes and expressly authorizes retroactive changes in the method of execution. The amendment changes the prohibition against "cruel or unusual punishment," currently provided in Section 17 of Article I of the State Constitution, to a prohibition against "cruel and unusual punishment" to conform with the wording of the Eighth Amendment to the United States Constitution. The amendment prohibits reduction of a death sentence based on invalidity of an execution method and provides for continued force of the sentence. The amendment permits any execution method unless prohibited by the United States Constitution. The amendment requires construction of the prohibition against cruel or unusual punishment and the proposed prohibition against cruel and unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment to the United States Constitution. The amendment would prevent state courts, including the Florida Supreme Court, from treating the state constitutional prohibition against cruel or unusual punishment as being more expansive than the federal constitutional prohibition against cruel and unusual punishment or United States Supreme Court interpretations thereof. The amendment effectively nullifies rights currently allowed under the state prohibition against cruel or unusual punishment which may afford greater protections for those subject to punishment for crimes than will be provided by the amendment. Under the amendment, the protections afforded those subject to punishment for crimes under the "cruel or unusual punishment" clause, as that clause currently appears in Section 17 of Article I of the State Constitution, will be the same as the minimum protections provided under the "cruel and unusual" punishments clause of the Eighth Amendment to the United States Constitution. The amendment provides for retroactive applicability.

Specifically, the proposal amends Section 17 of Article I of the State Constitution, to read as set forth below. The word ~~stricken~~ is a deletion; words *underlined* are additions:

SECTION 17. Excessive punishments.—Excessive fines, cruel *and* ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

—was read the third time in full.

On motion by Senator Burt, **HJR 951** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Bronson	Carlton	Crist	Horne
Brown-Waite	Clary	Dyer	King
Burt	Constantine	Garcia	Klein
Campbell	Cowin	Geller	Latvala

Laurent	Posey	Saunders	Sullivan
Lee	Pruitt	Sebesta	Villalobos
Mitchell	Sanderson	Smith	

Nays—7

Holzendorf	Lawson	Miller	Wasserman Schultz
Jones	Meek	Rossin	

Vote after roll call:

Yea—Peaden, Webster, Diaz de la Portilla

Nay—Dawson

On motion by Senator Webster, by two-thirds vote **CS for HB 409** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds; providing an effective date.

—a companion measure, was substituted for **SB 878** as amended and read the second time by title.

Senator Dyer moved the following amendment:

Amendment 1 (814934)(with title amendment)—On page 2, between lines 15 and 16, insert:

Section 2. *Notwithstanding proviso language in Appropriation 138A which states: "The Professional Educators Network shall purchase the coverage, administer the program, and provide communications and notification to all instructional personnel of the benefits of the program," the insurance to be provided shall be purchased by the State of Florida using the competitive bidding procedures in chapter 287, Florida Statutes, and the program shall be administered by the school districts that employ instructional personnel.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: requiring that the state purchase insurance under the program using competitive bidding procedures, notwithstanding provisions of the appropriation;

On motion by Senator Webster, further consideration of **CS for HB 409** with pending **Amendment 1** was deferred.

Consideration of **HB 1545** was deferred.

The Senate resumed consideration of—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (493912)** by Senator Burt was withdrawn.

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

Amendment 2 (323502)(with title amendment)—On page 1, line 21 through page 5, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-9, delete those lines and insert: An act relating to retirement; providing a

On motion by Senator Burt, **CS for SB 2** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Senate resumed consideration of—

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (814934)** by Senator Dyer was withdrawn.

Senators Webster and Geller offered the following amendment which was moved by Senator Webster:

Amendment 2 (191946)(with title amendment)—On page 2, between lines 15 and 16, insert:

(3) In implementing line item 138A of the 2001-2002 General Appropriations Act, the Department of Education shall administer the educator liability program. The insurance carrier providing any portion of educator professional liability coverage under the program which is procured with state funds must be selected by a competitive process. The amount of the appropriation for purchase of liability insurance remaining after liability insurance is provided shall revert to General Revenue unallocated.

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds;

Senator Dyer moved the following amendment to **Amendment 2** which failed:

Amendment 2A (115898)—On page 1, line 21, after "*coverage*" insert: *and any administrative services required*

The question recurred on **Amendment 2** which was adopted.

On motion by Senator Webster, by two-thirds vote **CS for HB 409** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—4

Dawson	Dyer	Klein	Wasserman Schultz

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

—was read the third time by title.

On motion by Senator Webster, **HB 1545** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Latvala, **CS for HB 1927** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Geller	Holzendorf

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

CS for CS for SB's 336 and 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 399.061, F.S.; providing requirements for the inspection of elevators and other conveyances; amending s. 489.509, F.S.;

transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 553.36, 553.415, F.S.; defining the term "factory-built school shelter"; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to recommend procedures for engaging an engineer or architect to perform plans review and inspections; requiring recommendations for the role of local building officials in issuing building permits and certificates of occupancy; providing for appointment of members; providing for meetings and staff support by the Department of Community Affairs; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing appropriations; repealing s. 1 of ch. 2000-150, Laws of Florida, relating to legislative intent regarding the meaning of the terms "net premiums written" and "net premiums collected" as used in ch. 440, F.S.; providing an effective date.

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

Senator Latvala moved the following amendment:

Amendment 1 (025200)(with title amendment)—On page 4, line 24 through page 6, line 7, delete those lines and insert:

Section 5. Section 399.001, Florida Statutes, is created to read:

399.001 Short title and purpose.—This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 6. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the *vertical conveyance* ~~equipment~~ other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance* ~~elevator~~.

(3) "Certificate of operation" means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) ~~(4)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) ~~(5)~~ "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

~~(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

(12)~~(7)~~ "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests *such as* on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again

until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of $50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of $50.

All other building transportation terms are defined in the current Florida Building Code.

Section 7. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The *Elevator Safety Technical Advisory Committee* ~~division~~ shall develop and submit to the *Director of Hotels and Restaurants regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1.* ~~Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."~~

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)~~(3)~~ Each elevator shall have a serial number assigned by the *department* ~~division~~ painted on or attached to the elevator car in plain view

and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)~~(4)~~(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the *department* ~~division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the *department* ~~division~~ requires. The *department* ~~division~~ shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the *department* ~~division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The *department* ~~division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

(6)~~(5)~~ The *department* ~~division~~ is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code ~~which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety~~.

(7)~~(6)~~ The *Elevator Safety Technical Advisory Committee* ~~division~~ shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, *ASME A18.1,* or other related model codes and amendments thereto, *concurrent with the update of the Florida Building Code* and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.

Section 8. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of *conveyances* ~~elevators~~.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) ~~(1)~~ Each elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) ~~(2)~~ Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) ~~(3)~~ When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code *or Elevator Safety Code* that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 9. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to $1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) DISCIPLINARY ACTION.—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 10. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division,* pursuant to s. 399.13*. If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect*. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for a routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 11. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The *department* ~~division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The *department* ~~division~~ shall charge an annual fee for issuance of a certificate of operation *in amount to be set by rule*. ~~The fee must be set by rule in an amount not to exceed $100 for an elevator not covered by a service maintenance contract or $50 for an elevator covered by a service maintenance contract~~. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of $50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The *department* ~~division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the *department* ~~division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The *department* ~~division~~ shall charge a fee, set by rule in an amount not greater than $100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The *department* ~~division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the *department* ~~division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 12. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the *department* ~~division~~ to enforce the provisions of this chapter. The *department* ~~division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 13. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the *department* ~~division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the *department* ~~division~~ the permit or certificate is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than *$1,000* ~~$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the *department* ~~division~~ in an amount not to exceed *$1,000* ~~$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 14. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Professional Regulation, Division of Hotel and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.

(3) The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminatesDecember 31, 2003.

(4) The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.

Section 15. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the *department* ~~division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* ~~a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents *or incidents*; penalties.—Within 5 working days after any accident *or incident* occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder* ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject~~ to an administrative fine, to be imposed by the division, in an amount not to exceed *$1,000* ~~$500~~.

Section 17. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The *department* ~~division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the *department* ~~division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the *department* ~~division~~; and may include such other provisions as the *department* ~~division~~ deems necessary.

(2) The *department* ~~division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the *department* ~~division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 18. *Sections 399.045 and 399.05, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: code; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending 489.509,

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

Amendment 2 (212288)(with title amendment)—On page 7, line 17 through page 8, line 31, delete those lines and insert:

Section 5. Section 399.001, Florida Statutes, is created to read:

399.001 Short title and purpose.—This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 6. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the *vertical conveyance* ~~equipment~~ other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance* ~~elevator~~.

(3) "Certificate of operation" means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) ~~(4)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) ~~(5)~~ "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

~~(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

(12)~~(7)~~ "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests *such as* on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of $50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of $50.

All other building transportation terms are defined in the current Florida Building Code.

Section 7. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The *Elevator Safety Technical Advisory Committee* ~~division~~ shall develop and submit to the *Director of Hotels and Restaurants regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1.* ~~Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."~~

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)~~(3)~~ Each elevator shall have a serial number assigned by the *department* ~~division~~ painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)~~(4)~~(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the *department* ~~division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the *department* ~~division~~ requires. The *department* ~~division~~ shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the *department* ~~division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The *department* ~~division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

(6)~~(5)~~ The *department* ~~division~~ is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code ~~which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety~~.

(7)~~(6)~~ The *Elevator Safety Technical Advisory Committee* ~~division~~ shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, *ASME A18.1,* or other related model codes and amendments thereto, *concurrent with the update of the Florida Building Code* and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.

Section 8. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of *conveyances* ~~elevators~~.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the

permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) ~~(1)~~ Each elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) ~~(2)~~ Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) ~~(3)~~ When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code *or Elevator Safety Code* that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 9. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to $1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) DISCIPLINARY ACTION.—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 10. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division,* pursuant to s. 399.13*. If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect*. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate-of-competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for a routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 11. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The *department* ~~division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The *department* ~~division~~ shall charge an annual fee for issuance of a certificate of operation *in amount to be set by rule*. ~~The fee must be set by rule in an amount not to exceed $100 for an elevator not covered by a service maintenance contract or $50 for an elevator covered by a service maintenance contract~~. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of $50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The *department* ~~division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping

equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the *department* ~~division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The *department* ~~division~~ shall charge a fee, set by rule in an amount not greater than $100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The *department* ~~division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the *department* ~~division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 12. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the *department* ~~division~~ to enforce the provisions of this chapter. The *department* ~~division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 13. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the *department* ~~division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the *department* ~~division~~ the permit or certificate is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than *$1,000* ~~$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the *department* ~~division~~ in an amount not to exceed *$1,000* ~~$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 14. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Professional Regulation, Division of Hotel and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.

(3) The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminatesDecember 31, 2003.

(4) The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.

Section 15. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the *department* ~~division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* ~~a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents *or incidents*; penalties.—Within 5 working days after any accident *or incident* occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder* ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject~~ to an administrative fine, to be imposed by the division, in an amount not to exceed *$1,000* ~~$500~~.

Section 17. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The *department* ~~division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the *department* ~~division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of

certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the *department* ~~division~~; and may include such other provisions as the *department* ~~division~~ deems necessary.

(2) The *department* ~~division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the *department* ~~division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 18. *Sections 399.045 and 399.05, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: code; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending 489.509,

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

Amendment 3 (064276)—On page 5, line 22, delete "*facility*"

Amendment 4 (614198)—On page 10, line 8, delete "Paragraph" and insert: Effective January 1, 2003, paragraph

Amendment 5 (984664)—On page 14, line 1, delete "*2002*" and insert: *2001*

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

Amendment 6 (440824)(with title amendment)—On page 43, line 30 through page 45, line 23, delete those lines and insert:

Section 28. *Effective upon this act becoming a law, the Building Construction Permitting and Inspection Task Force is hereby created to recommend a procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property, and the appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.*

(1) The task force shall be composed of 11 members, appointed as follows:

(a) The Building Officials Association of Florida shall appoint four members;

(b) The Associated General Contractors of Florida shall appoint one member;

(c) The Florida Home Builders Association shall appoint one member;

(d) The Florida Engineering Society shall appoint one member;

(e) The Florida Association of the American Institute of Architects shall appoint one member;

(f) The Florida Building Commission shall appoint two members, one member to be a building official or inspector, and one to be a contractor, architect, or engineer.

(g) The Florida Insurance Council shall appoint one member.

(2) The task force shall meet at least four times prior to January 1, 2002. Members may participate in any meeting via telephone conference. Members shall serve on a voluntary basis, without compensation and without reimbursement for per diem and travel expenses.

(3) The task force shall examine the various processes used by local building officials throughout the state in conducting plans review for the construction, alteration, repair, or improvement of real property, and approving building permit applications, as well as those processes used by local building officials in conducting required inspections for construction, alteration, repair, or improvement of real property, and issuing certificates of occupancy. The task force shall make recommendations on the following:

(a) A procedure by which the public could elect to engage an engineer or architect to perform plans review and inspection for the construction, alteration, repair, or improvement of real property; and

(b) The appropriate role of the local building official in such an alternative plans review and inspection procedure and in the resulting issuance of a building permit and certificate of occupancy.

(4) The task force shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by January 1, 2002, a report presenting the task force's recommendations and findings.

(5) The Florida Building Commission shall provide logistical and staff support for the task force.

And the title is amended as follows:

On page 3, lines 14-24, delete those lines and insert: collected for research projects; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; requiring a report to the

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

Amendment 7 (911046)—On page 47, delete line 29 and insert:

Section 33. Effective July 1, 2001,

Amendment 8 (533028)—On page 48, line 3, delete "*The*" and insert: *Effective July 1, 2001, the*

Amendment 9 (473352)(with title amendment)—On page 47, lines 10 and 11, delete section 31 and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 1-5, delete those lines and insert: appropriations; providing an

On motion by Senator Constantine, **CS for CS for SB's 336 and 190** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport

master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sebesta, further consideration of **CS for CS for HB 1053** as amended was deferred.

Consideration of **CS for SB 1558** was deferred.

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Mitchell, **CS for SB 256** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for SB 2224**, **SB 484** and **CS for SB 1784** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 477** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

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

HB 477—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

—a companion measure, was substituted for **SB 1314** and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (870164)(with title amendment)—On page 2, line 10 through page 3, line 20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 7-13, delete those lines and insert: providing an exception; providing contingent effective dates.

On motion by Senator Saunders, by two-thirds vote **HB 477** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dawson	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Silver
Burt	Garcia	Lee	Smith
Campbell	Geller	Miller	Villalobos
Carlton	Holzendorf	Mitchell	Wasserman Schultz
Clary	Jones	Peaden	Webster
Constantine	King	Posey	
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—1

Sanderson

Vote after roll call:

Yea—Diaz de la Portilla

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "subscribing participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a "participating manufacturer"; or a "subscribing participating manufacturer"; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms "surcharges," "participating manufacturer," and "subscribing participating manufacturer"; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining "proceeds"; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** as amended was deferred.

Consideration of **HB 1737** was deferred.

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

—was read the third time by title.

On motion by Senator Lee, **CS for CS for HB 1121** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the "Seal of Best Financial Management"; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 1 (161930)** by Senator Horne was adopted on May 3.

Senator Peaden moved the following amendment to **Amendment 1**:

Amendment 1A (470776)(with title amendment)—On page 17, between lines 5 and 6, insert:

Section 11. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) "Educational facility" means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code*, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state's system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 228*. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 12. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) AUTHORIZATION.—The creation of charter schools is hereby authorized. Charter schools shall be part of the state's program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. *A public school may not use the term charter in its name unless it has been approved under this section.*

(2) PURPOSE.—The purpose of charter schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

(i) Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

(j) Provide additional academic choices for parents and students.

(k) Expand the capacity of the public school system.

(3) APPLICATION; UNLAWFUL REPRISAL.—

(a)*1.* An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

2. The district school board or the principal, teachers, parents, and/or the school advisory council at an existing public school *that has been in operation for at least 2 years prior to the application to convert*, including a public school-within-a-school that is designated as a school by the district school board, shall submit any application for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. *A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 30 days after the meeting at which the school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons.* A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. *A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.*

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a char-

ter application within 10 calendar days after such approval or denial. In the event of approval, the report to the department must include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup must *commence* ~~be consistent~~ with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after *receipt of* the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after *receipt of notice of the specific reasons for the school board's denial of the charter application* ~~the school board denial~~. The state board shall remand the application to the district school board with its written *decision* ~~recommendation~~ that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application *and for any dispute relating to the approved charter*, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(i) A charter school shall be exempt from the sponsor's policies.

(5) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(6)~~(5)~~ NUMBER OF SCHOOLS.—

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(7)~~(6)~~ ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace*, charter school-in-a-development, or charter school-in-a-municipality* established pursuant to subsection (22).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter

schools, standards that are consistent with the school's mission and purpose. Such standards must be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools which has been approved by the sponsor.

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(f) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.

(8)~~(7)~~ LEGAL ENTITY.—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(9)~~(8)~~ REQUIREMENTS.—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system*:*

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"*; or*~~.~~

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(j) The governing board of the charter school shall annually adopt and maintain an operating budget.

(10)~~(9)~~ CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed*, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance. This must include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.*

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

d. The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. *Included in the methods is a means for ensuring accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs.* Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services *and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included.* Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. *A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans*

to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers *and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value*.

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(d) The governing body of the charter school shall *exercise continuing oversight over charter school operations and* make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

(11)~~(10)~~ CAUSES FOR NONRENEWAL OR TERMINATION.—

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

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

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

3. Violation of law.

4. Other good cause shown.

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

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

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. *The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (4).*

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

(f) If a charter is not renewed or is terminated, the *charter school* ~~governing body of the school~~ is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

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

(12)~~(11)~~ EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to student health, safety, and welfare; or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. The *charter school's governing board* ~~sponsor, upon request of a charter school,~~ may apply to the Commissioner of Education for a waiver of provisions of chapters 230-239 which are applicable to charter schools under this section, except that the provisions of chapter 236 or chapter 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. *The Commissioner of Education must confirm receipt of a waiver request from a charter school by providing a copy of the request to the sponsor.* The commissioner may grant the waiver if necessary to implement the school program *and shall provide notice of the final dispensation of the waiver request to the charter school governing board and the charter school's sponsor*.

(13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not *knowingly* employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02.

(14)~~(13)~~ REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment. *All charter schools submitting student record information required by the Department of Education shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.*

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b) *not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law*. The sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(g) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. *The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.*

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(15)~~(14)~~ IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(16)~~(15)~~ LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(17)~~(16)~~ FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(18)~~(17)~~ INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(19)~~(18)~~ INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(20)~~(19)~~ GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(21)~~(20)~~ REVIEW.—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(22)~~(21)~~ RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

(23)~~(22)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE*, CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY.—*

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, *to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools,* and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms "business partner," "employer," "developer," or "municipality" may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 13. Subsection (1) of section 228.0561, Florida Statutes, is amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge *or if it is directly or indirectly operated by the school district*. Unless otherwise provided in the General Appropriations

Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. *The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys.* ~~Sixty percent of the funds shall be distributed after the second enrollment survey, and the balance shall be distributed after the third enrollment survey. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment.~~ The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 14. Section 228.058, Florida Statutes, is amended to read:

228.058 Charter School Districts Pilot Program.—The State Board of Education is authorized to enter into a performance contract with up to six school districts for the purpose of establishing them as charter school districts. The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district. The purpose of this pilot program is to examine a new relationship between the State Board of Education and school districts that may produce significant improvements in student achievement and school management, while complying with constitutional requirements assigned to each entity.

(1) CHARTER DISTRICT.—A charter school district is a school district in Florida in which the school board has submitted and the state board has approved a charter proposal that exchanges statutory and rule exemption for agreement to meet performance goals in the proposal. The charter school district shall be chartered for 3 years, at the end of which the performance shall be evaluated.

(2) EXEMPTION FROM STATUTES AND RULES.—Charter school districts shall be exempt from state statutes and state board rules as provided in s. 228.056. The school board of a charter school district shall not be exempt from any statute governing election of board members, public meetings and public records requirements, financial disclosure, conflicts of interest, operation in the sunshine, or other provisions outside the Florida School Code.

(3) GOVERNING BOARD.—The governing board of the charter school district shall be the duly elected school board. The school board shall be responsible for supervising the schools in the charter district and is authorized to charter each of its existing public schools pursuant to s. 228.056, apply for deregulation of its public schools pursuant to s. 228.0565, or otherwise establish performance-based contractual relationships with its public schools for the purpose of giving them greater autonomy with accountability for performance.

(4) PRECHARTER AGREEMENT.—The state board is authorized to approve a precharter agreement with a potential charter district. The agreement may grant limited flexibility and direction for developing the full charter proposal.

(5) TIME PERIOD FOR PILOT.—The pilot program shall be authorized for a period of 3 full school years commencing with award of a charter. The charter may be renewed upon action of the state board.

(6) REPORTS.—The state board shall annually report on the implementation of the charter school district pilot program. Upon the completion of the first 3-year term, the state board, through the Commissioner of Education, shall submit to the Legislature a full evaluation of the effectiveness of the program.

(7) RULEMAKING.—The State Board of Education shall have the authority to enact rules to implement this section in accordance with ss. 120.536 and 120.54.

Section 15. Paragraph (d) is added to subsection (3) of section 232.425, Florida Statutes, to read:

232.425 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(3)

(d) An individual charter school student pursuant to s. 228.056 is eligible to participate at the public school to which the student would be assigned according to district school attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 19, line 24, after the second semicolon (;) insert: amending s. 159.27, F.S.; redefining the term "educational facility" for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 228.058, F.S.; requiring public schools in a charter district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school;

On motion by Senator Horne, further consideration of **CS for CS for HB 269** with pending **Amendment 1** and **Amendment 1A** was deferred.

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term "operating capital outlay"; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; providing an effective date.

—was read the third time by title.

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

Amendment 1 (381966)(with title amendment)—On page 31, between lines 13 and 14, insert:

Section 24. Section 215.98, Florida Statutes, is created to read:

215.98 State debt fiscal responsibility.—

(1) It is the public policy of this state to encourage fiscal responsibility on matters pertaining to state debt. In an effort to finance essential capital projects for the benefit of residents at favorable interest rates, the state must continue to maintain its excellent credit standing with investors. Authorizations of state debt must take into account the ability of the state to meet its total debt service requirements in light of other demands on the state's fiscal resources. The Legislature declares that it is the policy of this state to exercise prudence in undertaking the authorization and issuance of debt. In order to implement this policy, the Legislature desires to authorize the issuance of additional state tax-supported debt only when such authorization would not cause the ratio of debt service to revenue available to pay debt service on tax-supported debt to exceed 6 percent. If the 6-percent target debt ratio will be exceeded, the authorization of such additional debt must be accompanied by a legislative statement of determination that such authorization and issuance is in the best interest of the state and should be implemented. The Legislature shall not authorize the issuance of additional state tax-supported debt if such authorization would cause the designated benchmark debt ratio of debt service to revenues available to pay debt service to exceed 7 percent unless the Legislature determines that such additional debt is necessary to address a critical state emergency.

(2) The Division of Bond Finance shall conduct a debt affordability analysis each year. Proposed capital projects that require funding by the issuance of additional state debt shall be evaluated on the basis of the analysis to assist the Governor and the Legislature in setting priorities among capital projects and related appropriations.

(a) The Division of Bond Finance shall annually prepare a debt affordability report, to be presented to the governing board of the Division of Bond Finance, the President of the Senate, the Speaker of the House of Representatives, and the chair of each appropriations committee by December 15 of each year, for purposes of providing a framework for the Legislature to evaluate and establish priorities for bills that propose the authorization of additional state debt during the next budget year.

(b) The report shall include, but not be limited to:

1. A listing of state debt outstanding, other debt secured by state revenues, and other contingent debt.

2. An estimate of revenues available for the next 10 fiscal years to pay debt service, including general revenues plus any revenues specifically pledged to pay debt service.

3. An estimate of additional debt issuance for the next 10 fiscal years for the state's existing borrowing programs.

4. A schedule of the annual debt service requirements, including principal and interest allocation, on the outstanding state debt and an estimate of the annual debt service requirements on the debt included in subparagraph 3. for each of the next 10 fiscal years.

5. An overview of the state's general obligation credit rating.

6. Identification and calculation of pertinent debt ratios, including, but not limited to, debt service to revenues available to pay debt service, debt to personal income, and debt per capita for the state's net tax-supported debt.

7. The estimated debt capacity available over the next 10 fiscal years without the benchmark debt ratio of debt service to revenue exceeding 6 percent.

8. A comparison of the debt ratios prepared for subparagraph 6., with the comparable debt ratios for the 10 most populous states.

(c) The Division of Bond Finance shall prepare an update of the report set forth above upon completion of the revenue estimates prepared in connection with the legislative session.

(d) Any entity issuing debt secured by state revenues shall provide the information necessary to prepare the debt affordability report.

(3) Failure to comply with this section shall not affect the validity of any debt or the authorization of such debt.

Section 25. Subsection (6) is added to section 11.90, Florida Statutes, to read:

11.90 Legislative Budgeting Commission.—

(6) The commission shall have the power and duty to:

(a) Annually review the amount of state debt outstanding and submit to the President of the Senate and the Speaker of the House of Representatives an estimate of the maximum amount of additional state tax-supported debt that prudently may be authorized during the current fiscal year. The estimate shall be advisory and shall in no way bind the Legislature.

(b) Promptly after receiving the report required by s. 215.98(2)(c), the commission shall submit to the President of the Senate and the Speaker of the House of Representatives the commission's estimate of tax-supported debt which prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt;

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

Amendment 2 (484432)(with title amendment)—On page 4, before line 1, insert:

Section 1. Subsection (2) of section 110.227, Florida Statutes, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit bumping in a collective bargaining agreement nor does it prevent or abrogate any collective bargaining provisions that recognize special protection on the basis of seniority or job experience.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: amending s. 110.227, F.S.; providing that "bumping" or certain special protection may not be prohibited in a collective bargaining agreement;

On motion by Senator Horne, **CS for SB 1784** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Lawson, Webster

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

—as amended May 3 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 2096** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—was read the third time by title.

On motion by Senator Clary, **HB 1419** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SENATOR SILVER PRESIDING

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; requiring the custodians of the local jail to perform certain calculations; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as "prisons" and community correctional centers as "work-release centers"; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the Department of Corrections; deleting language relating to legislative intent; amending s. 944.17, F.S.; providing for certain responsibilities relating to the transportation of prisoners; providing Legislative intent regarding the adoption of standards for the operation of local jails; providing such intent regarding the operation of the Florida Corrections Accreditation Commission accreditation program; requiring the Department of Corrections to provide financial support to the commission; establishing standards for the program; requiring a report; providing an appropriation; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; amending s. 944.31, F.S.; revising terminology; providing for the designation of law enforcement officers to conduct certain investigations; providing such officers' qualifications and powers; requiring the Department of Corrections to notify a prisoner of any hepatitis diagnosis; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Crist, **CS for SB 1534** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521,

679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679,303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **HB 579** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 1845** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Pruitt

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for CS for HB 721** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

SB 636—A bill to be entitled An act relating to high school grades; amending s. 230.23, F.S.; requiring certain reports of academic achievement; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—as amended May 3 was read the third time by title.

Senators Cowin and Pruitt offered the following amendment which was moved by Senator Pruitt and adopted by two-thirds vote:

Amendment 1 (574274)(with title amendment)—On page 1, line 11 through page 2, line 13, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 2-4, delete those lines and insert: An act relating to high school grades; amending s. 232.2463,

On motion by Senator Pruitt, **SB 636** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 635** was withdrawn from the Committees on Transportation; and Appropriations.

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

HB 635—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—a companion measure, was substituted for **SB 1948** and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 635** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jones

RECONSIDERATION OF BILL

On motion by Senator Mitchell, the Senate reconsidered the vote by which—

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—as amended May 3 passed this day.

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

Amendment 1 (661998)—On page 1, delete line 20 and insert: *taxed under s. 320.0715 and s. 320.08(3)(d) and (4); each trailer, except*

On motion by Senator Mitchell, **CS for SB 256** as amended was read by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Lawson

The Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "subscribing participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a "participating manufacturer"; or a "subscribing participating manufacturer"; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms "surcharges," "participating manufacturer," and "subscribing participating manufacturer"; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the

surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining "proceeds"; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

—which was previously considered this day.

On motion by Senator Burt, **CS for CS for SB 2214** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea to Nay—Webster

CS for SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for SB 2172** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 1010** was deferred.

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Holzendorf, **HB 1749** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management

Trust Fund; amending s. 45.051, F.S.; authorizing the Division of Risk Management to enter into indemnification agreements for supersedeas bonds; providing for severability; providing an effective date.

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

MOTION

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

Senator Sanderson moved the following amendment:

Amendment 1 (345184)(with title amendment)—On page 17, between lines 14 and 15, insert:

Section 13. Subsections (3), (4), and (5) are added to section 11.40, Florida Statutes, to read:

11.40 Legislative Auditing Committee.—

(3) The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3).

(4) The Legislative Auditing Committee may take under investigation any matter within the scope of an audit, review, or examination either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(5) Following notification by the Auditor General, the Department of Banking and Finance, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(a) In the case of a local governmental entity or district school board, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this paragraph.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply with the law. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in ss. 189.421 and 189.422.

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 228.056 and 228.505.

Section 14. Subsections (2), (6), and (8) of section 11.42, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

11.42 The Auditor General.—

(2) The Auditor General shall be appointed to office to serve at the pleasure of the Legislature, by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation by both houses of the Legislature. At the time of her or his appointment, the Auditor General shall have been certified under the Public Accountancy Law in this state for a period of at least 10 years and shall have had not less than 10 years' experience in *an accounting or auditing related field* ~~a governmental agency or 10 years' experience in the private sector or a combination of 10 years' experience in government and the private sector~~. Vacancies in the office shall be filled in the same manner as the original appointment.

(6)(a) The headquarters of the Auditor General shall be at the state capital, but to facilitate auditing and to eliminate unnecessary traveling the Auditor General may establish *field offices located outside the state capital* ~~divisions and assign auditors to each division and determine their duties and the areas of the state to be served by the respective divisions~~. The Auditor General shall be provided with adequate quarters to carry out the position's functions in the state capital and in other areas of the state.

(b) All payrolls and vouchers for the operations of the Auditor General's office shall be submitted ~~directly~~ to the Comptroller and, if found to be correct, *payments* ~~state warrants~~ shall be issued therefor.

~~(c) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a list of statutory and fiscal changes recommended by audit reports. The recommendations should be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.~~

(8) No officer or *salaried* ~~full-time~~ employee of the office of Auditor General shall ~~actively engage in any other business or profession;~~ serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party committee, organization, or association; or be engaged on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Auditor General nor any employee of the Auditor General *may* ~~shall~~ become a candidate for election to public office unless she or he ~~shall~~ first *resigns* ~~resign~~ from office or employment. *No officer or salaried employee of the Auditor General shall actively engage in any other business or profession or be otherwise employed without the prior written permission of the Auditor General.*

(9) Sections 11.25(1) and 11.26 shall not apply to the Auditor General.

Section 15. Section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; *authorities* ~~audits~~; reports*; rules*.—

(1) *DEFINITIONS.*—As used in *ss. 11.40-11.515* ~~this section~~, the term:

(a) "Audit" means a financial audit, operational audit, or performance audit.

(b)~~(a)~~ "County agency~~,~~" ~~for the exclusive purposes of this section,~~ means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed. ~~Each county agency is a local governmental entity for purposes of subparagraph (3)(a)5.~~

(c)~~(b)~~ "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they *are presented* ~~present financial position, results of operations, and changes in financial position~~ in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with generally accepted auditing standards and *government* ~~governmental~~ auditing standards as adopted by the Board of Accountancy.

(d)~~(c)~~ "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(e)~~(d)~~ "Local governmental entity" means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f)~~(e)~~ "Management letter" means a statement of the auditor's comments and recommendations.

(g)~~(f)~~ "Operational audit" means a financial-related audit whose purpose is to evaluate management's performance in administering assigned responsibilities in accordance with applicable laws, administrative rules, and other guidelines and to determine the extent to which the internal control, as designed and placed in operation, promotes and encourages the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets.

(h)~~(g)~~ "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.

2. Structure or design of the program to accomplish its goals and objectives.

3. Adequacy of the program to meet the needs identified by the Legislature or governing body.

4. Alternative methods of providing program services or products.

5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.

6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.

7. Compliance of the program with appropriate policies, rules, or laws.

8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(i)~~(h)~~ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(j)~~(i)~~ "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit ~~other than the Florida Public Service Commission~~ within the legislative branch of state government *other than the Florida Public Service Commission*.

(2) *DUTIES.*—The Auditor General shall*:*

(a) Conduct ~~make financial audits and performance~~ audits of ~~public~~ records and perform related duties as prescribed by law, ~~or~~ concurrent resolution of the Legislature*, or as directed*~~. The Auditor General shall perform his or her duties independently but under the general policies established~~ by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all universities and district boards of trustees of community colleges.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 125,000, according to the most recent federal decennial statewide census.

(e) Annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.

(f) At least every 2 years, conduct operational audits of the accounts and records of state agencies and universities. In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies' inspectors general or universities' inspectors general and the resolution of findings therein.

(g) At least every 2 years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory provisions related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:

1. Enhance citizen participation in local government;

2. Improve the financial condition of local governments;

3. Provide essential government services in an efficient and effective manner; and

4. Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.

(h) Once every 3 years, conduct performance audits of the Department of Revenue's administration of the ad valorem tax laws as described in s. 195.096.

(i) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.

(j) Once every 3 years, review a sample of each state agency's internal audit reports to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.

(k) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall provide a copy of his or her determination to each member of the audited entity's governing body and to the Legislative Auditing Committee.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) *AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.*—

(a)~~1. The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards in counties with populations of fewer than 125,000, according to the most recent federal decennial statewide census, and of all district boards of trustees of community colleges. The Auditor General shall, at least every other year, make operational audits of the accounts and records of all state agencies, as defined in this section. The Auditor General shall, at least once every 3 years, make financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more. For each of the 2 years that the Auditor General does not make the financial audit, each district school board shall contract for an independent certified public accountant to perform a financial audit as defined in paragraph (1)(b). This section does not limit the Auditor General's discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 3. A district school board may select an independent certified public accountant to perform a financial audit as defined in paragraph (1)(b) notwithstanding the notification provisions of this section. In addition, a district school board may employ an internal auditor to perform ongoing financial verification of the financial records of a school district, who must report directly to the district school board or its designee. The Auditor General shall, at a minimum, provide to the~~

~~successor independent certified public accountant of a district school board the prior year's working papers, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.~~

~~2. Each charter school established under s. 228.056 shall have an annual financial audit of its accounts and records completed within 12 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its funds. The independent certified public accountant who is selected to perform an annual financial audit of the charter school shall provide a copy of the audit report to the district school board, the Department of Education, and the Auditor General. A management letter must be prepared and included as a part of each financial audit report. The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of a charter school.~~

~~3.~~ The Auditor General may *pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct* ~~at any time make financial audits and performance~~ audits *or other engagements as determined appropriate by the Auditor General* of*:*

1. The accounts and records of *any* ~~all~~ governmental *entity* ~~entities~~ created *or established by* ~~pursuant to~~ law.

2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

3. The accounts and records of any charter school created or established by law.

4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

8. The Florida On-Line High School created pursuant to s. 228.082.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

15. The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

16. The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

17. The Florida Partnership for School Readiness created pursuant to s. 411.01.

18. The Occupational Access and Opportunity Commission created pursuant to s. 413.83.

19. The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

20. Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

21. The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

22. The Florida Engineers Management Corporation created pursuant to chapter 471.

23. The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.

24. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

25. The corporation defined in chapter 946, part II, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

(b) The Auditor General is also authorized to:

1. Promote the building of competent and efficient accounting and internal audit organizations in the offices administered by governmental entities.

2. Provide consultation services to governmental entities on their financial and accounting systems, procedures, and related matters.

(4) SCHEDULING AND STAFFING OF AUDITS.—

(a) Each financial audit required or authorized by this section, when practicable, shall be made and completed within not more than 9 months following the end of each audited fiscal year of the state agency or political subdivision, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General determines that conducting any audit or engagement otherwise required by law would not be possible due to workload or would not be an efficient or effective use of his or her resources based on an assessment of risk, then, in his or her discretion, the Auditor General may temporarily or indefinitely postpone such audits or other engagements for such period or any portion thereof, unless otherwise directed by the committee.

(b) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the authority of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.

(c) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee

after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.

(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's findings which may be included in the audit report. If the official is not available for receipt of the list of audit findings then delivery is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including corrective action to be taken to preclude a recurrence of all findings.

(e) The Auditor General shall provide the successor independent certified public accountant of a district school board with access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—The Legislative Auditing Committee shall direct the Auditor General to make a financial audit of any municipality whenever petitioned to do so by at least 20 percent of the electors of that municipality. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(e)6. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY THE AUDITOR GENERAL.—Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall notify the local governmental entity of the actual cost of the audit. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to comply with paying the remaining cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(a) The Auditor General shall notify the Legislative Auditing Committee of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with the reporting requirements of s. 218.39. The committee shall proceed in accordance with s. 11.40(5). ~~The audits referred to in this subparagraph must be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. A district school board, expressway authority, or bridge authority may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. If the Auditor General is unable to meet that requirement, the Auditor General shall notify the school board, the expressway authority, or the bridge authority pursuant to subparagraph 5.~~

~~4. The Office of Program Policy Analysis and Government Accountability within the Office of the Auditor General shall maintain a schedule of performance audits of state programs. In conducting a performance audit of a state program, the Office of Program Policy Analysis and Government Accountability, when appropriate, shall identify and comment upon alternatives for accomplishing the goals of the program being audited. Such alternatives may include funding techniques and, if appropriate, must describe how other states or governmental units accomplish similar goals.~~

~~5. If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 3., each municipality with either revenues or expenditures of more than $100,000, each special district with either revenues or expenditures of more than $50,000, and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. An independent certified public accountant who is selected to perform an annual financial audit of a school district must report directly to the district school board or its designee. A management letter must be prepared and included as a part of each financial audit report. Each local government finance commission, board, or council, and each municipal power corporation, created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7), shall provide the Auditor General, within 12 months after the end of its fiscal year, with an annual financial audit report of its accounts and records and a written statement or explanation or rebuttal concerning the auditor's comments, including corrective action to be taken. The county audit shall be one document that includes a separate audit of each county agency. The county audit must include an audit of the deposits into and expenditures from the Public Records Modernization Trust Fund. The Auditor General shall tabulate the results of the audits of the Public Records Modernization Trust Fund and report a summary of the audits to the Legislature annually.~~

~~6. The governing body of a municipality, special district, or charter school must establish an auditor selection committee and competitive auditor selection procedures. The governing board may elect to use its own competitive auditor selection procedures or the procedures outlined in subparagraph 7.~~

~~7. The governing body of a noncharter county or district school board that retains a certified public accountant must establish an auditor selection committee and select an independent certified public accountant according to the following procedure:~~

~~a. For each noncharter county, the auditor selection committee must consist of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, and one member of the board of county commissioners or its designee.~~

~~b. The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice must include a general description of the audit and must indicate how interested certified public accountants can apply for consideration.~~

~~c. The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.~~

~~d. Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required services. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.~~

~~e. The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, results of recent external quality control reviews, and such other factors as may be determined by the committee to be applicable to its particular requirements.~~

~~f. The public must not be excluded from the proceedings under this subparagraph.~~

~~g. The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those~~

~~that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required services.~~

~~h. The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.~~

~~i. If the governing board receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. If the board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over $50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.~~

~~j. If the board is unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.~~

~~8. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each local governmental entity or the chair's designee or with the chair of the district school board or the chair's designee, or with the chair of the board of the charter school or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity for which deteriorating financial conditions exist which may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.~~

~~9. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, or charter school within 30 days after the delivery of the financial audit report.~~

~~10. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits subject to this section and conducted by independent certified public accountants. The Auditor General, in consultation with the Department of Education, shall develop a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergencies Act as stated in s. 218.501.~~

~~11. Any local governmental entity or district school board financial audit report required under subparagraph 5. or charter school financial audit report required under subparagraph 2. and the officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, must be submitted to the Auditor General within 45 days after delivery of the audit report to the local governmental entity, district school board, or charter school, but no later than 12 months after the end of the fiscal year. If the Auditor General does not receive the financial audit report within the prescribed period, he or she must notify the Legislative Auditing Committee that the governmental entity or charter school has not complied with this subparagraph. Following notification of failure to submit the required audit report or items required by rule adopted by the Auditor General, a hearing must be scheduled by rule of the committee. After the hearing, the committee shall determine which governmental entities or charter schools will be subjected to further state action. If it finds that one or more governmental entities or charter schools should be subjected to further state action, the committee shall:~~

~~a. In the case of a local governmental entity, district school board, or charter school, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity or charter school until the required financial audit is received by the Auditor General. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this sub-subparagraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law.~~

~~b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.~~

(b)~~12.a.~~ The Auditor General, in consultation with the Board of Accountancy, shall review all audit reports submitted pursuant to *s. 218.39* ~~subparagraph 11~~. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. *If the governmental entity does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).*

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of Community Affairs.

(d) During the Auditor General's review of audit reports, he or she shall contact those units of local government, as defined in s. 218.403, that are not in compliance with s. 218.415 and request evidence of corrective action. The unit of local government shall provide the Auditor General with evidence of corrective action within 45 days after the date it is requested by the Auditor General. If the unit of local government fails to comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5). ~~If the Auditor General does not receive the requested items, he or she shall notify the Joint Legislative Auditing Committee.~~

(e)~~b.~~ The Auditor General shall notify the Governor and the ~~Joint~~ Legislative Auditing Committee of any audit report reviewed by the Auditor General *pursuant to paragraph (b)* which contains a statement that the local governmental entity or district school board is in a state of financial emergency as provided in s. 218.503. If the Auditor General *requests a clarification regarding information included in an audit report to determine whether a*~~, in reviewing any audit report, identifies~~

~~additional information which indicates that the~~ local governmental entity or district school board *is* ~~may be~~ in a state of financial emergency*,* ~~as provided in s. 218.503, the Auditor General shall request appropriate clarification from the local governmental entity or district school board.~~ the requested clarification must be provided within 45 days after the date of the request. If the *local governmental entity or district school board does not comply with the Auditor General's request, the* Auditor General ~~does not receive the requested clarification, he or she~~ shall notify the ~~Joint~~ Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity or district school board is in a state of financial emergency ~~as provided in s. 218.503~~, he or she shall notify the Governor and the ~~Joint~~ Legislative Auditing Committee.

(f)~~e.~~ The Auditor General shall annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the ~~Joint~~ Legislative Auditing Committee a summary of significant findings and financial trends identified in *audit reports reviewed in paragraph (b) or otherwise identified by the Auditor General's review of such audit reports and financial information, and identified in audits of district school boards conducted by the Auditor General. The Auditor General shall include financial information provided pursuant to s. 218.32(1)(e) for entities with fiscal years ending on or after June 30, 2003, within his or her reports submitted pursuant to this paragraph.*

(g) If the Auditor General discovers significant errors, improper practices, or other significant discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall notify the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee. The President of the Senate and the Speaker of the House of Representatives shall promptly forward a copy of the notification to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives are substantially concerned with the functions of the state agency or state officer involved. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate, the Speaker of the House of Representatives, and to the Legislative Auditing Committee the reasons or justifications for such errors, improper practices, or other significant discrepancies and the corrective measures, if any, taken by the agency.

(h) The Auditor General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year a list of statutory and fiscal changes recommended by the Auditor General. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.98, 218.39, 237.40, 240.299, and 240.331. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergencies Act as stated in s. 218.501.

(9) OTHER GUIDANCE PROVIDED BY THE AUDITOR GENERAL.—The Auditor General, in consultation with the Department of Education, shall develop a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant. ~~audits of local governmental entities, district school boards, and charter schools performed by the independent certified public accountants.~~

~~13. In conducting a performance audit of any agency, the Auditor General shall use the Agency Strategic Plan of the agency in evaluating the performance of the agency.~~

~~(b) The Legislative Auditing Committee shall direct the Auditor General to make a financial audit of any municipality whenever petitioned to do so by at least 20 percent of the electors of that municipality. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(f)5. which is distributable to such municipality a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.~~

~~(c) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means the reporting provisions of this subsection and subsection (4); s. 27.3455(1) and (2); part VII of chapter 112; s. 163.05; s. 166.241; chapter 189; parts III and V of chapter 218; and s. 925.037(5). The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and objectives and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. Such goals and objectives must include, but need not be limited to, the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials in order to:~~

~~1. Compare and contrast revenue sources and expenditures of local governmental entities;~~

~~2. Assess the fiscal impact of the formation, dissolution, and activity of special districts;~~

~~3. Evaluate the fiscal impact of state mandates on local governmental entities;~~

~~4. Assess financial or economic conditions of local governmental entities; and~~

~~5. Improve communication and coordination among state agencies and local governmental entities.~~

~~(d) Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall forward the actual cost of the audit to the local governmental entity. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to pay the cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. Following the notification, the committee may schedule a hearing. After the hearing, the committee shall determine if the local governmental entity should be subject to further state action. If the committee determines that the local governmental entity should be subject to further state action, the committee shall:~~

~~1. In the case of a local governmental entity, request the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to the governmental entity until the required payment is received by the Auditor General.~~

~~2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to pay for the cost of the audit. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in ss. 189.421 and 189.422.~~

~~(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond~~

~~Finance of the State Board of Administration for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.~~

~~(5) Each audit required or authorized by this section, when practicable, shall be made and completed within not more than 12 months following the end of each fiscal year of the state agency or political subdivision, if an annual audit, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General is required by law to make a financial audit of the whole or a portion of a fiscal year of a political subdivision and his or her current workload of audits of state agencies and political subdivisions is so great that it is not practicable within the required time to perform such audit and also to make financial audits of that political subdivision as to any other period not previously audited by him or her, then in his or her discretion the Auditor General may temporarily or indefinitely postpone audits of such other period or any portion thereof unless otherwise directed by the committee.~~

~~(6) The Legislative Auditing Committee may at any time, without regard to whether the Legislature is then in session or out of session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.~~

~~(7)(a) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the power of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.~~

~~(b) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.~~

~~(c) The audit report must make special mention of:~~

~~1. Any violation of the laws within the scope of the audit; and~~

~~2. Any illegal or improper expenditure, any improper accounting procedures, all failures to properly record financial transactions, and all other inaccuracies, irregularities, shortages, and defalcations.~~

~~(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's adverse findings which may be included in the audit report. If the official is not available for receipt of the list of adverse audit findings, clearly designated as such, then delivery thereof is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including therein corrective action to be taken to preclude a recurrence of all adverse findings. Whenever necessary, the Office of Program Policy Analysis and Government Accountability may request the official to submit his or her written statement of explanation or rebuttal within 15 days after the receipt of the list of findings.~~

~~(e) Each agency head shall provide to the Legislative Auditing Committee, within 6 months after the published date of an audit report, a written explanation of the status of recommendations contained in the report.~~

~~(f) No later than 18 months after the release of a performance audit report, the agencies which are the subject of that report shall provide data and other information that describes with specificity what the agencies have done to respond to the recommendations contained in the report. The Auditor General or the Office of Program Policy Analysis and Government Accountability may verify the data and information provided by the agencies. If the data and information provided by the agencies are deemed sufficient and accurate, the Auditor General or the Office of Program Policy Analysis and Government Accountability shall report to the Joint Legislative Auditing Committee and to the legislative standing committees concerned with the subject areas of the audit. The report shall include a summary of the agencies' responses, the evaluation of those responses, and any recommendations deemed to be appropriate. The followup report required by this paragraph may be waived by joint action of the President of the Senate and the Speaker of the House of Representatives upon the recommendation of the Director of the Office of Program Policy Analysis and Government Accountability.~~

~~(8) If the Auditor General discovers any errors, unusual practices, or any other discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall, as soon as practicable, notify in writing the President of the Senate and the Speaker of the House of Representatives, respectively, who, in turn, shall promptly thereafter forward a copy thereof to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate and the Speaker of the House of Representatives and to the Legislative Auditing Committee the reasons or justifications for such errors, unusual practices, or discrepancies and the corrective measures, if any, taken by the agency.~~

~~(9) All agencies, other than state agencies as defined herein, and all district school boards and district boards of trustees of community colleges shall have the power to have a performance audit or financial audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds.~~

~~(10) The Auditor General shall provide annually a list of those special districts which are in compliance with this section and a list of those special districts which are not in compliance with this section for the Special District Information Program of the Department of Community Affairs.~~

~~(11) In addition to any other provision of law granting access to records and accounts, the Auditor General may, pursuant to his or her own authority granted in this subsection or at the direction of the Legislative Auditing Committee, conduct audits of any direct-support organization or citizen-support organization authorized by law. Independent audits of direct-support organizations and citizen-support organizations conducted by certified public accountants shall be performed in accordance with rules adopted by the Auditor General.~~

Section 16. Section 11.47, Florida Statutes, is amended to read:

11.47 Penalties; failure to make a proper audit *or examination*; making a false ~~audit~~ report; failure to produce documents or information.—

(1) All officers whose respective offices the Auditor General *or the Office of Program Policy Analysis and Government Accountability* is authorized to audit *or examine* shall enter into their public records sufficient information for proper audit *or examination*, and shall make the same available to the Auditor General *or the Office of Program Policy Analysis and Government Accountability* on demand.

(2) The willful failure or refusal of the Auditor General*, director of the Office of Program Policy Analysis and Government Accountability,* or any *staff* ~~auditor~~ employed by the Auditor General *or the Office of Program Policy Analysis and Government Accountability* to make a proper audit *or examination* in line with his or her duty, the willful making of a false report as to any audit *or examination*, or the willful failure or refusal to report a shortage or misappropriation of funds or property shall be cause for removal from such office or employment, and the Auditor General*, the director of the Office of Program Policy Analysis and Government Accountability,* or *a staff member* ~~auditor~~ shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit *or examination* which the Auditor General *or the Office of Program Policy Analysis and Government Accountability* is by law

authorized to perform shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any officer who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit *or examination* which the Auditor General *or the Office of Program Policy Analysis and Government Accountability* is by law authorized to perform, shall be subject to removal from office.

Section 17. Section 11.51, Florida Statutes, is amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

(1) There is hereby created the Office of Program Policy Analysis and Government Accountability as a unit of the Office of the Auditor General appointed pursuant to s. 11.42. *The* ~~Such~~ office shall perform *independent examinations, program reviews, and other projects as provided by general law, concurrent resolution, or as directed by the Legislative Auditing Committee, and shall provide recommendations, training, or other services as may assist the Legislature* ~~program evaluation and justification reviews as required by s. 11.513 and performance audits as defined in s. 11.45 and shall contract for performance reviews of school districts pursuant to ss. 11.515 and 230.2302~~.

(2) The Office of Program Policy Analysis and Government Accountability is independent of the Auditor General appointed pursuant to s. 11.42 ~~and the Public Counsel appointed pursuant to s. 350.061~~ for purposes of general policies established by the Legislative Auditing Committee.

(3) The Office of Program Policy Analysis and Government Accountability shall maintain a schedule of examinations of state programs.

(4)~~(3)~~ The ~~Auditor General shall provide administrative support and services to the~~ Office of Program Policy Analysis and Government Accountability *is authorized to examine all entities and records listed in s. 11.45(3)(a)* ~~to the extent required by the Legislative Auditing Committee~~.

(5) At the conclusion of an examination, the designated representative of the director of the Office of Program Policy Analysis and Government Accountability shall discuss the examination with the official whose office is examined and submit to that official the Office of Program Policy Analysis and Government Accountability's preliminary findings. If the official is not available for receipt of the preliminary findings, clearly designated as such, delivery thereof is presumed to be made when it is delivered to his or her office. Whenever necessary, the Office of Program Policy Analysis and Government Accountability may request the official to submit his or her written statement of explanation or rebuttal within 15 days after the receipt of the findings. If the response time is not requested to be within 15 days, the official shall submit his or her response within 30 days after receipt of the preliminary findings.

(6) No later than 18 months after the release of a report of the Office of Program Policy Analysis and Government Accountability, the agencies that are the subject of that report shall provide data and other information that describes with specificity what the agencies have done to respond to the recommendations contained in the report. The Office of Program Policy Analysis and Government Accountability may verify the data and information provided by the agencies. If the data and information provided by the agencies are deemed sufficient and accurate, the Office of Program Policy Analysis and Government Accountability shall report to the Legislative Auditing Committee and to the legislative standing committees concerned with the subject areas of the audit. The report shall include a summary of the agencies' responses, the evaluation of those responses, and any recommendations deemed to be appropriate.

Section 18. Section 11.511, Florida Statutes, is amended to read:

11.511 Director of the Office of Program Policy Analysis and Government Accountability; appointment; employment of staff; powers and duties.—

(1)(a) The Legislative Auditing Committee shall appoint a director of the Office of Program Policy Analysis and Government Accountability by majority vote of the committee, subject to confirmation by a majority vote of the Senate and the House of Representatives. At the time of appointment, the director must have had 10 years' experience in policy analysis and program evaluation. The reappointment of a director is subject to confirmation by a majority vote of the Senate and the House of Representatives. The Legislative Auditing Committee may appoint an interim director.

(b) The appointment of the director may be terminated at any time by a majority vote of the Senate and the House of Representatives.

(2)(a) The director shall take and subscribe to the oath of office required of state officers by the State Constitution.

(b) Until such time as each house confirms the appointment of the director, the appointee shall perform the functions as provided *by law* ~~in this section and s. 11.513~~.

(3)(a) The director shall make all spending decisions under the annual operating budget approved by the President of the Senate and the Speaker of the House of Representatives. The director shall employ and set the compensation of such professional, technical, legal, and clerical staff as may be necessary to *fulfill the responsibilities of the Office of Program Policy Analysis and Government Accountability* ~~perform all the requirements of this section and s. 11.513~~, in accordance with the joint policies and procedures of the President of the Senate and the Speaker of the House of Representatives, and may remove these personnel. The staff must be chosen to provide a broad background of experience and expertise and, to the maximum extent possible, to represent a range of disciplines that includes law, engineering, public administration, environmental science, policy *analysis* ~~science~~, economics, sociology, and philosophy.

(b) An officer or full-time employee of the Office of Program Policy Analysis and Government Accountability may not ~~actively engage in any other business or profession;~~ serve as the representative of any political party or on any executive committee or other governing body thereof; receive remuneration for activities on behalf of any candidate for public office; or engage, on behalf of any candidate for public office, in the solicitation of votes or other activities in behalf of such candidacy. Neither the director of the Office of Program Policy Analysis and Government Accountability nor any employee of that office may become a candidate for election to public office unless he or she first resigns from office or employment.

(4) The director shall perform and/or contract for the performance of *examinations* ~~program evaluation and justification reviews~~ and other ~~related~~ duties as prescribed by law. The director shall perform his or her duties independently but under general policies established by the Legislative Auditing Committee.

(5) The director may adopt and enforce reasonable rules necessary to facilitate the *examinations* ~~studies~~, ~~reviews, and~~ reports*, and other tasks* that he or she is authorized to perform.

(6) *When the director determines that conducting an examination would not be possible due to workload limitations or the project does not appear to be of critical interest to the Legislature, then, with the consent of the President of the Senate and the Speaker of the House of Representatives, the director may temporarily or indefinitely postpone such examinations.* ~~The director, with the consent of the President of the Senate and the Speaker of the House of Representatives, may modify the work schedule of the office in order to concentrate its efforts on agency programs that are determined to have high oversight priority. The modification may include reduction or elimination of recurring performance audits existing in law on July 1, 1999, but which do not appear to be of critical interest to the Legislature.~~ The director may at any time conduct a performance review of a governmental entity created by law.

Section 19. Section 11.513, Florida Statutes, is amended to read:

11.513 Program evaluation and justification review.—

(1) Each state agency shall be subject to a program evaluation and justification review by the Office of Program Policy Analysis and Government Accountability ~~in accordance with the schedule provided in s. 216.0172 or~~ as determined by the Legislative Auditing Committee. Each state agency shall offer its complete cooperation to the Office of Program Policy Analysis and Government Accountability so that such review may be accomplished.

(2) *A* ~~Prior to the initiation of a state agency's program evaluation and justification review and no later than July 1 of the year in which a~~

~~state agency begins operating under a performance-based program budget, the~~ state agency's inspector general, internal auditor, or other person designated by the agency head shall develop, in consultation with the Office of Program Policy Analysis and Government Accountability, a plan for monitoring and reviewing the state agency's major programs to ensure that performance data are maintained and supported by agency records.

(3) The program evaluation and justification review shall be conducted on major programs, but may include other programs. The review shall be comprehensive in its scope but, at a minimum, must be conducted in such a manner as to specifically determine the following, and to consider and determine what changes, if any, are needed with respect thereto:

(a) The identifiable cost of each program.

(b) The specific purpose of each program, as well as the specific public benefit derived therefrom.

(c) Progress toward achieving the outputs and outcomes associated with each program.

(d) An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, associated with each program.

(e) Alternate courses of action that would result in administration of the same program in a more efficient or effective manner. The courses of action to be considered must include, but are not limited to:

1. Whether the program could be organized in a more efficient and effective manner, whether the program's mission, goals, or objectives should be redefined, or, when the state agency cannot demonstrate that its efforts have had a positive effect, whether the program should be reduced in size or eliminated.

2. Whether the program could be administered more efficiently or effectively to avoid duplication of activities and ensure that activities are adequately coordinated.

3. Whether the program could be performed more efficiently or more effectively by another unit of government or a private entity, or whether a program performed by a private entity could be performed more efficiently and effectively by a state agency.

4. When compared to costs, whether effectiveness warrants elimination of the program or, if the program serves a limited interest, whether it should be redesigned to require users to finance program costs.

5. Whether the cost to administer the program exceeds license and other fee revenues paid by those being regulated.

6. Whether other changes could improve the efficiency and effectiveness of the program.

(f) The consequences of discontinuing such program. If any discontinuation is recommended, such recommendation must be accompanied by a description of alternatives to implement such recommendation, including an implementation schedule for discontinuation and recommended procedures for assisting state agency employees affected by the discontinuation.

(g) Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part, in the existing manner.

(h) Whether the information reported *as part of the state's performance based program budgeting system* ~~pursuant to s. 216.031(5)~~ has relevance and utility for the evaluation of each program.

(i) Whether state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports.

(4) No later than December 1 of the second year following the year in which an agency begins operating under a performance-based program budget, the Office of Program Policy Analysis and Government Accountability shall submit a report of evaluation and justification review findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, the chairpersons of the appropriate substantive committees, the chairpersons of the appropriations committees, the Legislative Auditing Committee, the Governor, the head of each state agency that was the subject of the evaluation and justification review, and the head of any state agency that is substantially affected by the findings and recommendations.

(5) The Legislature intends that the program evaluation and justification review procedure be designed to assess the efficiency, effectiveness, and long-term implications of current or alternative state policies, and that the procedure results in recommendations for the improvement of such policies and state government. To that end, whenever possible, all reports submitted pursuant to subsection (4) must include an identification of the estimated financial consequences, including any potential savings, that could be realized if the recommendations or alternative courses of action were implemented.

~~(6) At any time, the Legislative Auditing Committee may direct that a program evaluation and justification review be conducted by the Office of Program Policy Analysis and Government Accountability. In order to allow the office the flexibility in carrying out the provisions of this act and to reduce duplicative auditing requirements, the Legislative Auditing Committee may waive the requirements of any law existing as of the effective date of this act to conduct a performance audit.~~

(6)~~(7)~~ Evaluation and justification reviews may include consideration of programs provided by other agencies which are integrally related to the programs administered by the state agency or entity which is scheduled for review *as* ~~pursuant to s. 216.0172 or the schedule~~ determined by the Legislative Auditing Committee.

~~(8) If recommended by the director of the Office of Program Policy Analysis and Government Accountability, the President of the Senate and the Speaker of the House of Representatives may jointly direct that any program evaluation and justification review requirement existing on July 1, 1999, be postponed to allow the Office of Program Policy Analysis and Government Accountability to conduct a review of another program considered more urgent.~~

Section 20. Subsection (15) of section 14.29, Florida Statutes, is amended to read:

14.29 Florida Commission on Community Service.—

(15) The direct-support organization shall provide for an annual financial ~~and compliance~~ audit ~~of its financial accounts and records by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules established by the commission. The annual audit report must be submitted to the commission for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review~~.

Section 21. Paragraphs (f) and (g) of subsection (5) of section 20.055, Florida Statutes, are amended to read:

20.055 Agency inspectors general.—

(5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications specified in subsection (4), the director of auditing shall perform the functions listed in this subsection.

(f) The Auditor General, in connection with the independent postaudit of the same agency pursuant to s. 11.45, shall give appropriate consideration to internal audit reports and the resolution of findings therein. The Legislative Auditing Committee may inquire into the reasons or justifications for failure of the agency head to correct the deficiencies reported in internal audits that are also reported by the Auditor General and shall take appropriate action. ~~The Auditor General shall~~

~~also review a sample of each agency's internal audit reports at least once every 3 years to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, generally accepted governmental auditing standards. If the Auditor General finds that these standards have not been complied with, the Auditor General shall include a statement of this fact in the audit report of the agency.~~

(g) The inspector general shall monitor the implementation of the state agency's response to any *report on* ~~audit of~~ the state agency *issued* ~~conducted~~ by the Auditor General *or by the Office of Program Policy Analysis and Government Accountability* ~~pursuant to s. 11.45~~. No later than 6 months after the Auditor General *or the Office of Program Policy Analysis and Government Accountability* publishes a report *on* ~~of the audit of~~ the state agency, the inspector general shall *provide a written response* ~~report~~ to the agency head on the status of corrective actions taken. *The Inspector General shall file* a copy of such *response* ~~report shall be filed~~ with the Legislative Auditing Committee.

Section 22. Subsection (3) of section 20.2551, Florida Statutes, is amended to read:

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

(3) ANNUAL AUDIT.—*Each* ~~Any~~ citizen support organization ~~which has annual expenditures of $100,000 or more~~ shall *provide for* ~~cause~~ an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization~~.

Section 23. Paragraph (c) of subsection (13) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(13)

(c) Any information made confidential and exempt from the provisions of s. 119.07(1) under this subsection shall be disclosed to a member of the commission, to the Auditor General, *to the Office of Program Policy Analysis and Government Accountability,* or to the independent auditor selected under s. 24.123 upon such person's request therefor. If the President of the Senate or the Speaker of the House of Representatives certifies that information made confidential under this subsection is necessary for effecting legislative changes, the requested information shall be disclosed to him or her, and he or she may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose.

Section 24. Subsection (4) of section 24.120, Florida Statutes, is amended to read:

24.120 Financial matters; Administrative Trust Fund; interagency cooperation.—

(4) The department shall cooperate with the State Treasurer, the Comptroller, ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* by giving employees designated by any of them access to facilities of the department for the purpose of efficient compliance with their respective responsibilities.

Section 25. Subsection (1) and paragraph (a) of subsection (2) of section 27.3455, Florida Statutes, are amended to read:

27.3455 Annual statement of certain revenues and expenditures.—

(1) Each county shall submit annually to the Comptroller ~~and the Auditor General~~ a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the Comptroller in consultation with the Legislative Committee on Intergovernmental Relations, provided that such statement identify total county expenditures on:

(a) Medical examiner services.

(b) County victim witness programs.

(c) Each of the services outlined in ss. 27.34(2) and 27.54(3).

(d) Appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court.

(e) Other court-related costs of the state attorney and public defender that were paid by the county where such costs were included in a judgment or order rendered by the trial court against the county.

Such statement also shall identify the revenues provided by s. 938.05(1) that were used to meet or reimburse the county for such expenditures.

(2)(a) Within 6 months of the close of the local government fiscal year, each county shall submit to the Comptroller a statement of compliance from its independent certified public accountant, engaged pursuant to *s. 218.39* ~~chapter 11~~, that the certified statement of expenditures was in accordance with ss. 27.34(2), 27.54(3), and this section. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the Comptroller.

Section 26. Subsection (5) of section 30.51, Florida Statutes, is amended to read:

30.51 Fees and commissions.—

(5) All fees, commissions, or other funds collected by the sheriff for services rendered or performed by his or her office shall be remitted monthly to the county~~, in the manner prescribed by the auditor general~~.

Section 27. Paragraph (k) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General *or the Office of Program Policy Analysis and Government Accountability* for the purpose of conducting *audits or examinations* ~~preliminary or compliance reviews~~ pursuant to *law* ~~s. 11.45~~; or the guardian ad litem for the child.

Section 28. Subsection (1) of section 110.109, Florida Statutes, is amended to read:

110.109 Productivity improvement and personnel audits of executive branch agencies.—The department shall be responsible for conducting personnel audits of all executive branch agencies, except the State University System, to provide as follows:

(1) In order to provide for the improvement of productivity and human resources management, the department shall have the authority to conduct agency personnel administration and management reviews to assist agencies in identifying areas of recommended improvement. Such reviews shall be conducted in cooperation with the internal auditor of the employing agency so as to ascertain the operational necessity and effectiveness of agency personnel programs and human resource management. A copy of any such reviews made by the department shall be submitted to the Legislature*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability*.

Section 29. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legisla-

tors, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, *the director of the Office of Program Policy Analysis and Government Accountability,* the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 30. Paragraphs (a) and (c) of subsection (7) of section 112.324, Florida Statutes, are amended to read:

112.324 Procedures on complaints of violations.—

(7) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, *the director of the Office of Program Policy Analysis and Government Accountability,* or members of the Legislative Committee on Intergovernmental Relations.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, *Office of Program Policy Analysis and Government Accountability,* or Legislative Committee on Intergovernmental Relations.

Section 31. Subsection (2) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(2) The frequency of actuarial reports must be at least every 3 years commencing from the last actuarial report of the plan or system or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to October 1, 1979. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of Management Services shall furnish a copy of each actuarial report to the Department of Management Services within 60 days after receipt from the actuary. The requirements of this section are supplemental to actuarial valuations necessary to comply with the requirements of ss. *218.321* ~~11.45~~ and *218.39* ~~218.32~~.

Section 32. Section 116.07, Florida Statutes, is amended to read:

116.07 Account books to be kept by sheriffs and clerks.—All sheriffs and clerks of the circuit court and ex officio clerks of the boards of county commissioners of this state shall keep books of account and of record in accordance with *s. 218.33* ~~forms to be approved by the Auditor General, except such books and forms as are now otherwise provided for by law~~.

Section 33. Subsection (6) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(6) Nothing in subsection (3) or any other general or special law shall limit the access of the Auditor General*, the Office of Program Policy*

Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such *person* ~~auditor~~ states in writing that such records are needed for a properly authorized audit*, examination,* or investigation. Such *person* ~~auditor~~ shall maintain the confidentiality of any public records that are confidential or exempt from the provisions of subsection (1) and shall be subject to the same penalties as the custodians of those public records for violating confidentiality.

Section 34. Paragraph (b) of subsection (8) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(8) Any surviving spouse of a county official or former county official, who was formerly employed full time in the office of the county official and who is presently employed by the said county official or is a county official of any such county and who did not receive compensation for a period of more than 10 years as such employee, may receive credit for retirement purposes as provided for in this chapter by:

(b) Submitting affidavits from ~~one assistant auditor general and~~ two county officials or former county officials from any such county to substantiate said employment.

Section 35. Subsection (7) of section 122.08, Florida Statutes, is amended to read:

122.08 Requirements for retirement; classifications.—There shall be two retirement classifications for all state and county officers and employees participating herein as hereafter provided in this section:

(7) No state or county official or employee who has a shortage in his or her accounts~~, as certified by the Auditor General,~~ may retire or receive any benefits under this chapter so long as such shortage exists.

Section 36. Paragraph (x) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

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

(x) Employ an independent *certified public* accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General~~, who shall retain the same as a public record for 10 years from receipt thereof~~.

Section 37. Subsection (1) of section 145.022, Florida Statutes, is amended to read:

145.022 Guaranteed salary upon resolution of board of county commissioners.—

(1) Any board of county commissioners, with the concurrence of the county official involved, shall by resolution guarantee and appropriate a salary to the county official, in an amount specified in this chapter, if all fees collected by such official are turned over to the board of county commissioners. Such a resolution is applicable only with respect to the county official who concurred in its adoption and only for the duration of such official's tenure in his or her current term of office. ~~Copies of the resolution adopted shall be filed with the Department of Banking and Finance and the Auditor General.~~

Section 38. Subsection (2) of section 145.14, Florida Statutes, is amended to read:

145.14 Compensation of other county officials; guarantee.—

(2) With the concurrence of any county officer described by subsection (1), any board of county commissioners may by resolution guarantee and appropriate to that officer a salary not to exceed $9,600 in lieu of fees, if all fees collected are turned over to the board of county commissioners. ~~Copies of the resolution shall be filed with the Department of Banking and Finance and the Auditor General.~~

Section 39. Paragraph (o) of subsection (1) of section 154.11, Florida Statutes, is amended to read:

154.11 Powers of board of trustees.—

(1) The board of trustees of each public health trust shall be deemed to exercise a public and essential governmental function of both the state and the county and in furtherance thereof it shall, subject to limitation by the governing body of the county in which such board is located, have all of the powers necessary or convenient to carry out the operation and governance of designated health care facilities, including, but without limiting the generality of, the foregoing:

(o) To employ certified public accountants to audit and analyze the records of the board and to prepare financial or revenue statements of the board; however, this paragraph shall not in any way affect any responsibility of the Auditor General *pursuant to s. 11.45* ~~in connection with the records of the board~~.

Section 40. Paragraph (d) of subsection (2) of section 154.331, Florida Statutes, is amended to read:

154.331 County health and mental health care special districts.—Each county may establish a dependent special district pursuant to the provisions of chapter 125 or, by ordinance, create an independent special district as defined in s. 200.001(8)(e) to provide funding for indigent and other health and mental health care services throughout the county in accordance with this section. The county governing body shall obtain approval, by a majority vote of the electors, to establish the district with authority to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any independent health or mental health care special district created by this section shall be required to levy and fix millage subject to the provisions of s. 200.065. Once approved by the electorate, the independent health or mental health care special district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(2)

(d) All financial records and accounts relating to the independent health or mental health care special district shall be available for review by the county governing body ~~and for audit by state auditors assigned from time to time to audit the affairs of the county officials~~.

Section 41. Paragraph (c) of subsection (3) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(3)

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body ~~and with the Auditor General~~, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

Section 42. Paragraph (b) of subsection (1) of section 175.261, Florida Statutes, is amended to read:

175.261 Annual report to Division of Retirement; actuarial valuations.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each firefighters' pension trust fund operating under a chapter plan shall report to the division such data as it needs to complete an actuarial valuation of each fund. The forms for each municipality and special fire control district shall be supplied by the division. The expense of this actuarial valuation shall be borne by the firefighters' pension trust fund established by ss. 175.041 and 175.121. The requirements of this section are supplemental to the actuarial valuations necessary to comply with ss. *218.321* ~~11.45~~ and *218.39* ~~218.32~~.

Section 43. Paragraph (b) of subsection (1) of section 185.221, Florida Statutes, is amended to read:

185.221 Annual report to Division of Retirement; actuarial valuations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from the issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each municipal police officers' retirement trust fund operating under a chapter plan shall report to the division such data as the division needs to complete an actuarial valuation of each fund. The forms for each municipality shall be supplied by the division. The expense of the actuarial valuation shall be borne by the municipal police officers' retirement trust fund established by s. 185.10. The requirements of this section are supplemental to the actuarial valuations necessary to comply with ss. *218.321* ~~11.45~~ and *218.39* ~~218.32~~.

Section 44. Subsection (2) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(2) The official list shall be produced by the department after the department has notified each special district that is currently reporting to the department, the Department of Banking and Finance pursuant to s. 218.32, or the Auditor General pursuant to s. *218.39* ~~11.45~~. Upon notification, each special district shall submit, within 60 days, its determination of its status. The determination submitted by a special district shall be consistent with the status reported in the most recent local government audit of district activities submitted to the Auditor General pursuant to s. *218.39* ~~11.45~~.

Section 45. Subsection (1) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is created and has the following special duties:

(1) The collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the State Board of Administration, the Department of Management Services, the Department of Revenue, and the Commission on Ethics for the reporting required in ss. ~~11.45,~~ 112.3144, 112.3145, 112.3148, 112.3149, 112.63, 200.068, 218.32, 218.34, 218.38, *218.39,* and 280.17 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports must consist of a list of special districts used in that state agency and a list of which special districts did not comply with the reporting statutorily required by that agency.

Section 46. Paragraphs (f) and (g) of subsection (5) of section 189.428, Florida Statutes, are amended to read:

189.428 Special districts; oversight review process.—

(5) Those conducting the oversight review process shall, at a minimum, consider the listed criteria for evaluating the special district, but may also consider any additional factors relating to the district and its performance. If any of the listed criteria do not apply to the special district being reviewed, they need not be considered. The criteria to be considered by the reviewer include:

(f) Whether the Auditor General has *notified the Legislative Auditing Committee* ~~determined~~ that the special *district's audit report, reviewed pursuant to s. 11.45(7), indicates that a deteriorating financial condition exists that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such condition* ~~district is or may be in a state of financial emergency or has been experiencing financial difficulty during any of the last 3 fiscal years for which data are available~~.

(g) Whether the Auditor General *has determined that the special district is in a state of financial emergency as provided in s. 218.503(1), and has notified the Governor and the Legislative Auditing Committee* ~~failed to receive an audit report and has made a determination that the special district was required or may have been required to file an audit report during any of the last 3 fiscal years for which the data are available~~.

Section 47. Section 193.074, Florida Statutes, is amended to read:

193.074 Confidentiality of returns.—All returns of property and returns required by s. 201.022 submitted by the taxpayer pursuant to law shall be deemed to be confidential in the hands of the property appraiser, the clerk of the circuit court, the department, the tax collector, ~~and~~ the Auditor General, *and the Office of Program Policy Analysis and Government Accountability, and* their employees and persons acting under their supervision and control, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such returns are exempt from the provisions of s. 119.07(1).

Section 48. Section 195.084, Florida Statutes, is amended to read:

195.084 Information exchange.—

(1) The department shall promulgate rules and regulations for the exchange of information among the department, the property appraisers' offices, the tax collector, ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability*. All records and returns of the department useful to the property appraiser or the tax collector shall be made available upon request but subject to the reasonable conditions imposed by the department. This section shall supersede statutes prohibiting disclosure only with respect to the property appraiser, the tax collector, ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability*, but the department may establish regulations setting reasonable conditions upon the access to and custody of such information. The Auditor General, *the Office of Program Policy Analysis and Government Accountability,* the tax collectors, and the property appraisers shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality shall be a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083.

(2) All of the records of property appraisers and collectors, including, but not limited to, worksheets and property record cards, shall be made available to the Department of Revenue*, the* ~~and~~ Auditor General*, and the Office of Program Policy Analysis and Government Accountability*. Property appraisers and collectors are hereby directed to cooperate fully with representatives of the Department of Revenue*, the* ~~and~~ Auditor

General*, and the Office of Program Policy Analysis and Government Accountability* in realizing the objectives stated in s. 195.0012.

Section 49. Subsection (7) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

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

Section 50. Paragraph (c) of subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(4)

(c) The department shall require by rule that the taxpayer annually submit a sworn statement of gross income, pursuant to paragraph (a). The department shall require that the filing of such statement be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents it deems necessary, for each member of the household. The taxpayer's statement shall attest to the accuracy of such copies. The department shall prescribe and furnish a form to be used for this purpose which form shall include spaces for a separate listing of United States Department of Veterans Affairs benefits and social security benefits. All records produced by the taxpayer under this paragraph are confidential in the hands of the property appraiser, the department, the tax collector, ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* and shall not be divulged to any person, firm, or corporation except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are exempt from the provisions of s. 119.07(1).

Section 51. Paragraph (b) of subsection (1) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(1) The proceeds of the county fuel tax imposed pursuant to s. 206.41(1)(b) are appropriated for public transportation purposes in the manner following:

(b)1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use such funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred for road and bridge or other transportation purposes. In the event the powers and duties relating to transportation facilities, roads, and bridges usually exercised and performed by boards of county commissioners are exercised and performed by some other or separate county board, such board shall receive the proceeds, exercise the powers, and perform the duties designated in this section to be done by the boards of county commissioners.

2. The board of county commissioners of each county, or any separate board or local agency exercising the powers and performing the duties relating to transportation facilities, roads, and bridges usually exercised and performed by the boards of county commissioners, shall be assigned the full responsibility for the maintenance of transportation facilities in the county and of roads in the county road system.

~~3. In calculating the distribution of funds under paragraph (a), the Department of Revenue shall obtain from the Auditor General the certification of the level of assessment in each district and shall pay only the amount of money which is derived by multiplying said ratio and the amount which would be due a district under paragraph (a). The funds which are raised under this section but are not distributed under this section shall be deposited in the Fuel Tax Collection Trust Fund. All funds placed in the Fuel Tax Collection Trust Fund shall be distributed in the same manner as provided in paragraphs (a) and (b).~~

3.~~4.~~ Nothing in this paragraph as amended by chapter 71-212, Laws of Florida, shall be construed to permit the expenditure of public funds in such manner or for such projects as would violate the State Constitution or the trust indenture of any bond issue or which would cause the state to lose any federal aid funds for highway or transportation purposes; and the provisions of this paragraph shall be applied in a manner to avoid such result.

Section 52. Paragraph (ff) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

~~6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.~~

~~b. The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.~~

~~c. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 53. Subsection (6) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the department to the Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent,* the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties, or to designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 236.081(2); however, no information shall be disclosed to the Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent,* the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or to a property appraiser or tax collector or their authorized agents, or to designated employees of the Department of Education if such disclosure is prohibited by federal law. The Auditor General or his or her authorized agent, *the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent,* the Comptroller or his or her authorized agent, the Treasurer or his or her authorized agent, and the property appraiser or tax collector and their authorized agents, or designated employees of the Department of Education shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. For the purpose of this subsection, "designated employees of the Department of Education" means only those employees directly responsible for calculation of price level indices pursuant to s. 236.081(2). It does not include the supervisors of such employees or any other employees or elected officials within the Department of Education.

Section 54. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

(6) ~~The Auditor General shall audit annually the entire operation of the board.~~ The Office of Program Policy Analysis and Government Accountability shall *examine the board's* ~~perform or cause to be performed a performance audit of the~~ management ~~by the board~~ of investments every 2 years. ~~In addition to the duties prescribed in this subsection, the Auditor General and the Office of Program Policy Analysis and Government Accountability shall annually as part of his or her audit conduct performance postaudits of investments under s. 215.47(6) which are not otherwise authorized under ss. 215.44-215.53.~~ The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall submit such *reports* ~~audit report~~ to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.

Section 55. Section 215.86, Florida Statutes, is created to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and controls that promote and encourage compliance; economic, efficient, and effective operations; reliability of records and reports; and safeguarding of assets. Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.

Section 56. Subsection (2) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Banking and Finance shall be the functional owner of the Florida Accounting Information Resource Subsystem established pursuant to ss. ~~11.46,~~ 17.03, *215.86,* 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

Section 57. Section 215.98, Florida Statutes, is created to read:

215.98 Audits of state agency direct-support organizations and citizen support organizations.—Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

Section 58. Subsection (1) of section 216.177, Florida Statutes, is amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(1) When an appropriations act is delivered to the Governor after the Legislature has adjourned sine die, as soon as practicable, but no later than the 10th day before the end of the period allowed by law for veto consideration in any year in which an appropriation is made, the chairs of the legislative appropriations committees shall jointly transmit:

(a) The official list of General Revenue Fund appropriations determined in consultation with the Executive Office of the Governor to be nonrecurring; and

(b) The documents set forth in s. 216.0442(2)(a) and (c),

to the Executive Office of the Governor, the Comptroller, the Auditor General, *the director of the Office of Program Policy Analysis and Government Accountability,* the Chief Justice of the Supreme Court, and each state agency. A request for additional explanation and direction regarding the legislative intent of the General Appropriations Act during the fiscal year may be made only by and through the Executive Office of the Governor for state agencies, and by and through the Chief Justice of the Supreme Court for the judicial branch, as is deemed necessary. However, the Comptroller may also request further clarification of legislative intent pursuant to the Comptroller's responsibilities related to his or her preaudit function of expenditures.

Section 59. Subsection (2) of section 216.178, Florida Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure.—

(2) The Office of Planning and Budgeting shall develop a final budget report that reflects the net appropriations for each budget item. The report shall reflect actual expenditures for each of the 2 preceding fiscal years and the estimated expenditures for the current fiscal year. In addition, the report must contain the actual revenues and cash balances for the preceding 2 fiscal years and the estimated revenues and cash balances for the current fiscal year. The report may also contain expenditure data, program objectives, and program measures for each state agency program. The report must be produced by October 15 each year. A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, *to the director of the Office of Program Policy Analysis and Government Accountability,* and to the public.

Section 60. Subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $150,000, whichever is greater, by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $150,000, whichever is greater, by all action taken under this subsection.

(c) Such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished to the Executive Office of the Governor or the Chief Justice, the chair of the Legislative Budget Commission, the chairs of the legislative committees, ~~and~~ the Auditor General*, and the director of the Office of Program Policy Analysis and Government Accountability*.

Section 61. Subsection (1) of section 218.31, Florida Statutes, is amended, and subsections (15), (16), (17), and (18) are added to said section, to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(1) "Local governmental entity" means a county agency ~~as defined in s. 11.45~~, a municipality, or a special district as defined in s. 189.403. For purposes of s. 218.32, the term also includes a housing authority created under chapter 421.

(15) "Auditor" means an independent certified public accountant licensed pursuant to chapter 473 and retained by a local governmental entity to perform a financial audit.

(16) "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(17) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with generally accepted auditing standards and government auditing standards as adopted by the Board of Accountancy and as prescribed by rules promulgated by the Auditor General.

(18) "Management letter" means a statement of the auditor's comments and recommendations as prescribed by rules adopted by the Auditor General.

Section 62. Subsection (1) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.403, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). *The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report.* The county annual financial report must be a single document that covers each county agency.

(b) Each component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with the reporting requirements contained in this section.

(c) Each regional planning council created under s. 186.504, each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department *a copy of its audit report and* an annual financial report for the previous fiscal year in a format prescribed by the department.

(d) Each local governmental entity that is required to provide for an audit ~~report~~ in accordance with s. *218.39(1)* ~~11.45(3)(a)5.~~ must submit the annual financial report with the audit report. A copy of the audit report and annual financial report must be submitted to the department within 45 days after the completion of the audit report but no later than 12 months after the end of the fiscal year.

(e) Each local governmental entity that is not required to provide for an audit report in accordance with s. 218.39 ~~All other reporting entities~~ must submit the annual financial report to the department no later than April 30 of each year. *The department shall consult with the Auditor General in the development of the format of annual financial reports submitted pursuant to this paragraph. The format shall include balance*

sheet information to be utilized by the Auditor General pursuant to s. 11.45(7)(f). The department must forward the financial information contained within these entities' annual financial reports to the Auditor General in electronic form. This paragraph does not apply to housing authorities created under chapter 421.

(f)~~(e)~~ If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee of the *local governmental entity's* failure to *comply with the reporting requirements. The committee shall proceed in accordance with s. 11.40(5)* ~~report~~. ~~Following receipt of notification of failure to report, the committee shall schedule a hearing for the purpose of receiving additional testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action, the committee shall:~~

~~1. In the case of a county or municipality, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to the county or municipality until the required annual financial report is received by the department. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this subparagraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of distribution mandated by law.~~

~~2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required annual financial report. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.~~

~~3. In the case of a special district that is a component unit and that did not provide the financial information required by paragraph (b) to the applicable reporting entity, notify the Department of Community Affairs that the special district has failed to provide the required financial information. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.~~

Section 63. Subsection (2) of section 218.33, Florida Statutes, is amended to read:

218.33 Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.—

(2) *Each local governmental entity shall follow uniform accounting practices and procedures as promulgated by rule of the department to assure the use of proper accounting and fiscal management by such units. Such rules shall include a uniform classification of accounts.* ~~The department shall make such reasonable rules regarding uniform accounting practices and procedures by local governmental entities in this state, including a uniform classification of accounts, as it considers necessary to assure the use of proper accounting and fiscal management techniques by such units.~~

Section 64. Subsection (3) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide the information required by subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. *The committee shall proceed in accordance with s. 11.40(5).* ~~Following receipt of such notification of failure to comply with these provisions, a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of units of local government to comply with the requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action, the committee shall:~~

~~(a) In the case of a unit of local government, request the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this paragraph. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law.~~

~~(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.~~

Section 65. Sections 218.39 and 218.391, Florida Statutes, are created to read:

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 12 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(a) Each county.

(b) Any municipality with revenues or the total of expenditures and expenses in excess of $250,000.

(c) Any special district with revenues or the total of expenditures and expenses in excess of $100,000.

(d) Each district school board.

(e) Each charter school established under s. 228.056.

(f) Each charter technical center established under s. 228.505.

(g) Each municipality with revenues or the total of expenditures and expenses between $100,000 and $250,000 that has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(h) Each special district with revenues or the total of expenditures and expenses between $50,000 and $100,000 that has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(2) The county audit report shall be a single document that includes a financial audit of the county as a whole and, for each county agency other than a board of county commissioners, an audit of its financial accounts and records, including reports on compliance and internal control, management letters, and financial statements as required by rules adopted by the Auditor General. In addition to such requirements, if a board of county commissioners elects to have a separate audit of its financial accounts and records in the manner required by rules adopted by the Auditor General for other county agencies, such separate audit shall be included in the county audit report.

(3) A dependent special district may make provision for an annual financial audit by being included within the audit of another local governmental entity upon which it is dependent. An independent special district may not make provision for an annual financial audit by being included within the audit of another local governmental entity.

(4) A management letter shall be prepared and included as a part of each financial audit report.

(5) At the conclusion of the audit, the auditor shall discuss with the chair of each local governmental entity or the chair's designee, or with the elected official of each county agency or with the elected official's designee, or with the chair of the district school board or the chair's designee, or with the chair of the board of the charter school or the chair's designee, or with the chair of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each

member of the governing body of a local governmental entity or district school board for which deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

(6) The officer's written statement of explanation or rebuttal concerning the auditor's findings, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, charter school, or charter technical career center within 30 days after the delivery of the auditor's findings.

(7) The predecessor auditor of a district school board shall provide the Auditor General access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(8) All audits conducted in accordance with this section must be conducted in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45. All audit reports and the officer's written statement of explanation or rebuttal must be submitted to the Auditor General within 45 days after delivery of the audit report to the entity's governing body, but no later than 12 months after the end of the fiscal year.

(9) Each charter school and charter technical career center must file a copy of its audit report with the sponsoring entity; the local district school board, if not the sponsoring entity; the Auditor General; and with the Department of Education.

(10) This section does not apply to housing authorities created under chapter 421.

(11) Notwithstanding the provisions of any local law, the provisions of this section shall govern.

218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a charter county, municipality, special district, charter school, or charter technical career center shall establish an auditor selection committee and auditor selection procedures or use the procedures outlined in subsection (3). The purpose of the committee and the procedures is to contract with an auditor to conduct the annual financial audit required in s. 218.39.

(3) The governing body of a noncharter county or district school board that retains a certified public accountant shall establish an auditor selection committee and select an auditor according to the following procedure:

(a) For each noncharter county, the auditor selection committee shall consist of the county officers elected pursuant to s. 1(d), Art. VIII of the State Constitution, and one member of the board of county commissioners or its designee.

(b) The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice must include a general description of the audit and must indicate how interested certified public accountants can apply for consideration.

(c) The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

(d) Any certified public accountant desiring to provide auditing services shall first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required services. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

(e) The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, results of recent external quality control reviews, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(f) The public shall not be excluded from the proceedings under this subsection.

(g) The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required services.

(h) The committee shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the following factors: the ability of professional personnel; past performance; willingness to meet time requirements; location; and recent, current, and projected workloads of the firms. However, such distribution shall not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

(i) The committee may request, accept, and consider proposals for the compensation to be paid only during competitive negotiations under paragraph (h). The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. If the board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over $50,000, the board shall require the firm receiving the award to execute a truth-in-negotiations certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.

(j) If the board is unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

Section 66. Subsection (22) of section 218.415, Florida Statutes, is amended to read:

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns

shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(22) AUDITS.—Certified public accountants conducting audits of units of local government pursuant to s. *218.39* ~~11.45~~ shall report, as part of the audit, whether or not the unit of local government has complied with this section.

Section 67. Paragraph (g) of subsection (8) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(8) REQUIREMENTS.—

(g) A charter school shall *provide for* ~~be subject to~~ an annual financial audit in *accordance with s. 218.39* ~~a manner similar to that of a school district~~.

Section 68. Paragraph (d) of subsection (3) of section 228.093, Florida Statutes, is amended to read:

228.093 Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.—

(3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR STUDENT.—The parent or guardian of any pupil or student who attends or has attended any public school, area vocational-technical training center, community college, or institution of higher education in the State University System shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a pupil or student has attained 18 years of age, or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents of the pupil or student shall thereafter be required of and accorded to the pupil or student only, unless the pupil or student is a dependent pupil or student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall formulate, adopt, and promulgate rules whereby parents, guardians, pupils, or students may exercise these rights:

(d) Right of privacy.—Every pupil or student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a pupil or student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). No state or local educational agency, board, public school, area technical center, community college, or institution of higher education in the State University System shall permit the release of such records, reports, or information without the written consent of the pupil's or student's parent or guardian, or of the pupil or student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a pupil or student may be released to the following persons or organizations without the consent of the pupil or the pupil's parent:

1. Officials of schools, school systems, area technical centers, community colleges, or institutions of higher learning in which the pupil or student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent, guardian, pupil, or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a pupil's or student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering pupil or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of pupils or students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. School readiness coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.

8. For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the pupil's or student's educational records is necessary to protect the health or safety of the pupil, student, or other individuals.

10. The Auditor General *and the Office of Program Policy Analysis and Government Accountability* in connection with *their* ~~his or her~~ official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General *and the Office of Program Policy Analysis and Government Accountability* is confidential and exempt from the provisions of s. 119.07(1) and shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor General*, the Office of Program Policy Analysis and Government Accountability,* and *their* ~~his or her~~ staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's *and the Office of Program Policy Analysis and Government Accountability's* official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student and the pupil's or student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student, or his or her parent if the pupil or student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that such information may be disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained pursuant to this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy, in-school and out-of-school suspensions, to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and which support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent, guardian, or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a pupil or student if the institution elects to do so. However, no

educational institution shall release, to any individual, agency, or organization which is not listed in subparagraphs 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information which it has designated as directory information with respect to all pupils or students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent, guardian, pupil, or student to inform the institution in writing that any or all of the information designated should not be released.

Section 69. Paragraph (e) of subsection (11) of section 228.505, Florida Statutes, is amended to read:

228.505 Charter technical career centers.—

(11) FUNDING.—

(e) A center *shall provide for* ~~is subject to~~ an annual financial audit in *accordance with s. 218.39* ~~a manner similar to that of a school district or community college~~.

Section 70. Subsection (4) of section 229.8021, Florida Statutes, is amended to read:

229.8021 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—The direct-support organization shall *provide* ~~make provision~~ for an annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent, certified public accountant~~ in accordance with *s. 218.39* ~~rules to be promulgated by the State Board of Education~~. ~~The annual audit report shall include a management letter and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.~~ The identity of donors and all information identifying donors and prospective donors is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 71. Paragraphs (l) and (m) are added to subsection (10) of section 230.23, Florida Statutes, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(l) Internal auditor.—The school board may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor shall report directly to the school board or its designee.

(m) Financial and performance audits.—In addition to the audits required by ss. 11.45 and 218.39, the school board may contract with an independent certified public accountant to conduct a financial or performance audit of its accounts and records retained by it and paid from its public funds.

Section 72. Subsection (4) of section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(4) District school boards that agree by a majority plus one vote to institute the action plan shall submit an annual report to the Legislature, the Governor, the SMART Schools Clearinghouse, OPPAGA, the Auditor General, and the Commissioner of Education on progress made towards implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. *218.39* ~~11.45~~, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that are found to comply with the best financial management practices shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices. This designation shall be effective for a 5-year period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify the SMART Schools Clearinghouse, OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices.

Section 73. Subsection (4) of section 237.40, Florida Statutes, is amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—*Each* ~~The~~ direct-support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit~~ of its ~~financial~~ accounts *and records*, to be conducted by *an independent certified public accountant* ~~the district auditor~~ in accordance with rules ~~to be~~ adopted by the *Auditor General pursuant to s. 11.45(8) and the* Commissioner of Education. The annual audit report shall ~~include a management letter and shall~~ be *submitted within 9 months after the fiscal year's end to* ~~filed as a public record in~~ the district *school board and the Auditor General*. The Commissioner of Education*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* have the authority to require and receive from the organization or the district auditor any *records* ~~detail or supplemental data~~ relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information *shall be* ~~are~~ considered public records for the purposes of chapter 119.

Section 74. Subsection (1) of section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the institutions in the State University System.

(1) By December 31 of each year, the Board of Regents shall submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of *Program Policy Analysis and Government Accountability* ~~the Auditor General~~, and the Legislature.

Section 75. Subsection (5) of section 240.299, Florida Statutes, is amended to read:

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

(5) ANNUAL AUDIT.—Each direct-support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit~~ of its ~~financial~~ accounts *and records* to be conducted by an independent certified public accountant in accordance with rules *adopted* ~~to be promulgated~~ by the *Auditor General pursuant to s. 11.45(8) and by the* Board of Regents. The annual audit report ~~shall include a management letter and~~ shall be submitted*, within 9 months after the end of the fiscal year,* to the Auditor General and the Board of Regents for review. The Board of Regents*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* shall have the authority to require and receive from the organization or from its independent auditor any *records* ~~detail or supplemental data~~ relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Board of Regents*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* shall be confidential and exempt from the provisions of s. 119.07(1).

Section 76. Subsection (5) of section 240.2995, Florida Statutes, is amended to read:

240.2995 University health services support organizations.—

(5) Each university health services support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 240.299(4)* ~~rules of the Board of Regents~~. ~~The annual audit report shall include a management letter and shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.~~ The auditor's report, management letter, and any supplemental data requested by the Board of Regents and the Auditor General shall be considered public records, pursuant to s. 119.07.

Section 77. Paragraph (c) of subsection (8) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(8)

(c) Any Florida not-for-profit corporation receiving funds pursuant to this section shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the board. The annual audit report shall be submitted to the Auditor General and the board for review. The board*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.

Section 78. Subsection (6) of section 240.331, Florida Statutes, is amended to read:

240.331 Community college direct-support organizations.—

(6) ANNUAL AUDIT.—Each direct-support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with rules *adopted* ~~to be promulgated~~ by the *Auditor General pursuant to s. 11.45(8)* ~~district board of trustees~~. The annual audit report must be submitted*, within 9 months after the end of the fiscal year,* to the Auditor General, the State Board of Community Colleges, and the board of trustees for review. The board of trustees*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* may require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the auditor's report, any information necessary for the auditor's report, any information related to the expenditure of funds, and any supplemental data requested by the board of trustees*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability*, shall be confidential and exempt from the provisions of s. 119.07(1).

Section 79. Subsection (6) of section 240.3315, Florida Statutes, is amended to read:

240.3315 Statewide community college direct-support organizations.—

(6) ANNUAL AUDIT.—A statewide community college direct-support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 240.331* ~~rules to be adopted by the State Board of Community Colleges~~. ~~The annual audit report shall be submitted to the Auditor General and the State Board of Community Colleges for review. The State Board of Community Colleges and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.~~ The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 80. Section 240.3631, Florida Statutes, is created to read:

240.3631 Financial and performance audits.—Each district board of trustees of a community college is authorized to have an audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. These audits are in addition to those required by s. 11.45.

Section 81. Paragraph (d) of subsection (2) and paragraph (b) of subsection (8) of section 240.512, Florida Statutes, are amended to read:

240.512 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(2) The Board of Regents shall provide in the agreement with the not-for-profit corporation for the following:

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(8)

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General*, the Office of Program Policy Analysis and Government Accountability,* and Board of Regents, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;

2. Matters reasonably encompassed in privileged attorney-client communications;

3. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;

4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;

6. Corporate officer and employee personnel information;

7. Information relating to the proceedings and records of credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialing;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;

10. Trade secrets as defined in s. 688.002, including reimbursement methodologies or rates; or

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report.

As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

Section 82. Subsection (3) of section 240.5285, Florida Statutes, is amended to read:

240.5285 Florida Atlantic University campuses.—

(3) The Board of Regents shall take all actions necessary to assure that Florida Atlantic University Broward and Florida Atlantic University Boca Raton are partners in the overall policymaking and academic governance structures of the university. Annual legislative budget requests for operations and facilities shall separately identify those funds requested for Florida Atlantic University Broward and Florida Atlantic University Boca Raton. Florida Atlantic University Broward and Florida Atlantic University Boca Raton shall have local management authority over their campus faculty, staff, and programs, but there shall be universitywide standards and processes for evaluating requests for promotion and tenure; there shall be complete transferability of credits and uniform programs across campuses; and colleges operating on multiple campuses shall have only one dean for each college. Florida Atlantic University Broward shall establish a faculty senate and may establish a direct-support organization. *Any such direct-support organization shall be subject to s. 240.299(4).*

Section 83. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (22) of section 240.551, Florida Statutes, are amended to read:

240.551 Florida Prepaid College Program.—

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant in accordance with *s. 215.98* ~~rules adopted by the board~~.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

~~(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.~~

(c)~~(d)~~ The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d)~~(e)~~ The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.

(e)~~(f)~~ The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(f)~~(g)~~ The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

Section 84. Subsection (6) of section 240.609, Florida Statutes, is amended to read:

240.609 Postsecondary endowment grants.—

(6) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit *or examination* by the Auditor General *and the Office of Program Policy Analysis and Government Accountability*. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, then all funds received pursuant to this section from the state shall be returned.

Section 85. Paragraph (h) of subsection (2) of section 240.711, Florida Statutes, is amended to read:

240.711 Ringling Center for Cultural Arts.—

(2)

(h) The John and Mable Ringling Museum of Art direct-support organization shall *provide for* ~~cause~~ an annual *financial* audit ~~of its financial accounts to be conducted by an independent certified public accountant, performed~~ in accordance with *s. 240.299(4)* ~~generally accepted accounting standards~~. Florida State University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

Section 86. Subsection (6) of section 250.115, Florida Statutes, is amended to read:

250.115 Department of Military Affairs direct-support organization.—

(6) ANNUAL AUDIT.—The direct-support organization shall *provide* ~~make provisions~~ for an annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules to be promulgated by the Adjutant General~~. ~~The annual audit report shall be submitted to the Auditor General and the Adjutant General. The Adjutant General and the Auditor General may require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.~~

Section 87. Subsection (11) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(11) The Auditor General shall conduct *audits* ~~performance postaudits~~ of acquisitions and divestitures which*,* according to his or her *preliminary assessments of board-approved acquisitions and divestitures,* ~~review of the overall land acquisition program~~ he or she deems necessary. These *preliminary assessments shall* ~~selected reviews will~~ be initiated *not later than* ~~within~~ 60 days following the final approval by the board of land acquisitions under this section. *If an audit is conducted,* the Auditor General shall submit an audit report to the board of trustees, the President of the Senate, the Speaker of the House of Representatives, and their designees.

Section 88. Subsection (16) of section 259.041, Florida Statutes, is amended to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(16) The Auditor General shall conduct *audits* ~~performance postaudits~~ of acquisitions and divestitures which he or she deems necessary, according to his or her *preliminary assessments of board-approved acquisitions and divestitures* ~~review of the overall land acquisition program~~. These *preliminary assessments shall* ~~selected reviews will~~ be initiated *not later than* ~~within~~ 60 days following the final approval by the board of land acquisitions under this section. *If an audit is conducted,* the Auditor General shall submit an audit report to the board of trustees, the President of the Senate, the Speaker of the House of Representatives, and their designees.

Section 89. Subsection (7) of section 266.0018, Florida Statutes, is amended to read:

266.0018 Direct-support organization.—

(7) The direct-support organization shall provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with *s. 215.98* ~~rules established by the board~~. The annual audit report must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

Section 90. Subsection (3) of section 267.17, Florida Statutes, is amended to read:

267.17 Citizen support organizations; use of state property; audit.—

(3) ANNUAL AUDIT.—Each citizen support organization shall *provide for* ~~cause~~ an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~. ~~The annual audit report shall be submitted to the division for review. The Auditor General and the division are each authorized to require and obtain from the citizen support organization, or from its independent auditor, such data as may be needed relative to the operation of the organization.~~ The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report.

Section 91. Subsection (6) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(6) ANNUAL AUDIT.—The corporation shall *provide* ~~make provision~~ for an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~. The annual audit report ~~shall be due prior to December 1 of each year, shall include a management letter, and~~ shall be submitted to the Auditor General; the Office of Policy Analysis and Government Accountability; and the Office of Tourism, Trade, and Economic Development for review. The Office of Program Policy Analysis and Government Accountability; the Office of Tourism, Trade, and Economic Development; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The Office of Tourism, Trade, and Economic Development shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of the commission and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 92. Subsection (5) of section 288.1229, Florida Statutes, is amended to read:

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

(5) The organization shall provide *for* an annual financial ~~and compliance~~ audit *in accordance with s. 215.98* ~~of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Office of Tourism, Trade, and Economic Development. The auditor shall submit the audit report to the director of the office for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.~~

Section 93. Subsection (4) of section 288.809, Florida Statutes, is amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—The foundation shall *provide* ~~make provision~~ for an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent, certified public accountant~~. ~~The annual audit report shall include a management letter and shall be submitted to the Auditor General and the department for review. The department and the Auditor General have the authority to require and receive from the foundation or from its independent auditor any detail or supplemental data relative to the operation of the foundation.~~ The identity of a donor or prospective donor to the foundation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 94. Section 288.9517, Florida Statutes, is amended to read:

288.9517 Audits; confidentiality.—

(1) The Auditor General *and the director of the Office of Program Policy Analysis and Government Accountability* may, pursuant to *their* ~~his or her~~ own authority or at the direction of the Legislative Auditing Committee, conduct an audit *or examination* of the technology development board or the programs or entities created by the board. The audit*, examination,* or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to subsection (2).

(2) The identity of a donor, prospective donor, or inventor who contributes to the board who desires to remain anonymous and all information identifying such donor, prospective donor, or inventor who contributes to the board are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the ~~auditor's~~ report.

Section 95. Subsection (5) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(5) The governing body shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file with the governing body ~~and with the Auditor General~~, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the municipality or county and in the office of the agency.

Section 96. Section 290.015, Florida Statutes, is amended to read:

290.015 Evaluation and review.—

(1) Prior to January 1, 1995, the department shall prescribe by rule, subject to the approval of the *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~, a research design for the review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007. The research design shall set forth the types of additional information necessary to effectuate the research design. Such information shall be provided in the report required pursuant to s. 290.014(2).

(2) Prior to the 2000 Regular Session of the Legislature, the *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall perform a review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007, using the research design promulgated pursuant to subsection (1). The report shall critique the enterprise zone program and shall include an analysis of the state incentives listed under s. 290.007. A report of the findings and recommendations of the *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2000 Regular Session. The appropriate committees of the Senate and House of Representatives shall consider legislation to implement the recommendations of the *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~.

(3) Prior to the 2001 Regular Session of the Legislature, the appropriate substantive committees of both the Senate and the House of Representatives, upon assignment by the President and Speaker, respectively, shall be responsible for the completion of a review and evaluation of ss. 290.001-290.016, together with the incentives listed in s. 290.007.

Section 97. Section 296.17, Florida Statutes, is amended to read:

296.17 Audit; inspection; and standards for the home.—The home shall be open at any time to audit and inspection by the Auditor General *and the Office of Program Policy Analysis and Government Accountability*, as provided *by law* ~~in s. 11.45~~, the Department of Veterans' Affairs, the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home shall be those prescribed by the United States Department of Veterans Affairs, provided that where the state's standards are more restrictive, the standards of the state shall apply.

Section 98. Section 296.41, Florida Statutes, is amended to read:

296.41 Audit; inspection; standards for the home.—The home shall be open at any time to audit and inspection by the Auditor General *and the Office of Program Policy Analysis and Government Accountability*, as provided *by law* ~~in s. 11.45~~, the department, and the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home shall be those prescribed by the United States Department of Veterans Affairs, provided that where the state's standards are more restrictive, the standards of the state shall apply.

Section 99. Paragraph (a) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218~~, and the auditing provisions of s. 11.45(3)(a)5~~. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

Section 100. Subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of~~

~~the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General.* The annual *attestation* ~~audit or report~~ shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 101. Paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial ~~and compliance~~ audit *in accordance with s. 215.98* of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

Section 102. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits *and attestations* required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $25,000 in annual use fee proceeds directly from the department, or from another state agency, may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General.* The annual *attestation* ~~audit or report~~ shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(2) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 103. Subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended to read:

322.081 Requests to establish voluntary checkoff on driver's license application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of~~

~~the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules adopted by the Auditor General.* The annual *attestation* ~~audit or report~~ must be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 104. Subsection (4) of section 334.0445, Florida Statutes, is amended to read:

334.0445 Model career service classification and compensation plan.—

(4) The department shall issue a baseline report on the performance measures outlined in subsection (3) within 30 days after implementation of this act and shall provide quarterly progress reports to the Department of Management Services, the Executive Office of the Governor, legislative appropriations committees, legislative personnel committees, the Auditor General, *the Office of Program Policy Analysis and Government Accountability,* and the affected certified bargaining unions. Such reports shall contain the mandatory measures listed in this legislation, as well as other mutually agreed-upon measures between the Department of Transportation, the Department of Management Services, the Executive Office of the Governor, legislative appropriations committees, legislative personnel committees, and the affected certified bargaining unions.

Section 105. Subsection (5) of section 339.406, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

339.406 Contract between the department and the corporation.—The contract must provide for:

(5) *The* ~~Yearly financial and compliance audits for each~~ corporation *filing with* ~~by~~ the department *an annual financial audit as defined in s. 11.45 and a management letter* ~~and the Auditor General~~.

(7) The authority for the department and the Auditor General to conduct audits.

Section 106. Paragraph (a) of subsection (13) of section 365.171, Florida Statutes, is amended to read:

365.171 Emergency telephone number "911."—

(13) "911" FEE.—

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. *Such fund shall be included within the financial audit performed* ~~The county shall annually have a financial audit performed on this fund,~~ in accordance with s. *218.39* ~~11.45~~. A report of the audit shall be forwarded to the department within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the department within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the department. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived

from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; and expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

Section 107. Subsection (3) of section 372.0215, Florida Statutes, is amended to read:

372.0215 Citizen support organizations; use of state property; audit.—

(3) Each citizen support organization shall provide for an annual *financial* audit *in accordance with s. 215.98* ~~of its financial records and accounts by an independent certified public accountant~~. ~~A citizen support organization shall submit its annual audit report to the commission for review. The commission shall submit the audit report to the Auditor General. The commission and the Auditor General may obtain additional data relative to the operation of a citizen support organization from the citizen support organization or from its independent auditor.~~ The identity of a donor or prospective donor to a citizen support organization who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 108. Subsection (3) of section 373.45926, Florida Statutes, is amended to read:

373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.—

(3) The South Florida Water Management District shall furnish, on a quarterly basis, a detailed copy of its expenditures from the Everglades Trust Fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and shall make copies available to the public. The information shall be provided in a format approved by the Joint Legislative Committee on Everglades Oversight. At the direction of the Joint Legislative Committee on Everglades Oversight, *an audit* ~~a postaudit~~ may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General, to make.

Section 109. Section 373.507, Florida Statutes, is amended to read:

373.507 Districts and basins; *audits* ~~postaudits~~, budgets.—

(1) Each basin referred to in this chapter must furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and the governing body of each county in which the basin has jurisdiction or derives any funds for the operations of the basin.

~~(2) Each district and basin referred to in this chapter must make provision for an annual postaudit of its financial accounts. The postaudit must be made in accordance with the rules of the Auditor General adopted under ss. 11.47 and 166.241.~~

(2)~~(3)~~(a) Each district referred to in this chapter must furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over districts, as determined by the President or Speaker as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The tentative budget.

2. The adopted budget.

3. The past year's expenditures.

4. The *audit report required* ~~postaudit described~~ in *s. 218.39* ~~subsection (2)~~.

(b) The documents must be furnished by the earlier of 10 days following completion of each document or as otherwise provided by law.

(c) If any entity in paragraph (a) provides written comments to the district regarding any document furnished, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

(d) The audit report required in s. 218.39 shall be furnished to the governing board of the district and the clerks of the circuit courts of each county within or partly within the district.

Section 110. Subsection (9) of section 402.73, Florida Statutes, is amended to read:

402.73 Contracting and performance standards.—

(9) The department must implement systems and controls to ensure financial integrity and service provision quality in the developmental services Medicaid waiver service system. ~~The Auditor General shall include specific reference to systems and controls related to financial integrity in the developmental services Medicaid waiver service system in his or her audit of the department for each fiscal year.~~

Section 111. Subsection (8) of section 403.1826, Florida Statutes, is amended to read:

403.1826 Grants, requirements for eligibility.—

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department*,* ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability,* or any of their duly authorized representatives*,* shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

Section 112. Paragraph (d) of subsection (11) of section 403.8532, Florida Statutes, is amended to read:

403.8532 Drinking water state revolving loan fund; use; rules.—

(11) Prior to approval of a loan, the local government or public water system shall, at a minimum:

(d) Provide assurance that records will be kept using *generally* accepted ~~government~~ accounting *principles* ~~standards~~ and that the department *or its agents* and the Auditor General~~, or their agents~~ will have access to all records pertaining to the loan.

Section 113. Subsection (2) of section 403.864, Florida Statutes, is amended to read:

403.864 Public water supply accounting program.—

(2) In furtherance of this intent, the Department of Health *and*~~,~~ the department~~, and the Auditor General~~ shall jointly develop an accounting program for use by the department and the Department of Health and its units, including the county health departments, to determine the funds, overhead, personnel, and property used by each of the departments in conducting its respective public water supply functions and responsibilities for each fiscal year. The accounting program shall provide information sufficient to satisfy state auditing and federal grant and aid reporting requirements and shall include provisions requiring the Department of Health to:

(a) Segregate, from an accounting standpoint, funds distributed to county health departments for public water supply functions from other county health department trust funds.

(b) Segregate, from an accounting standpoint, funds distributed to the central and branch laboratories of the Department of Health for public water supply functions from other laboratory funds.

(c) Require each county health department, the central and each branch laboratory of the Department of Health, and any other entity of the Department of Health involved in and carrying out public water supply functions to account to the Department of Health on a semiannual basis for the funds received, from whatever source, and used for public water supply functions.

(d) Require each county health department, the central and each branch laboratory of the Department of Health, and any other entity of the Department of Health involved in carrying out public water supply functions either wholly or partially with funds, either federal or state, received from the department through an interagency agreement or other means to account to the department on a semiannual basis for such funds received and used for public water supply functions.

Section 114. Paragraph (m) of subsection (4) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(m) The Florida Partnership for School Readiness shall have a budget, *and* shall be financed through an annual appropriation made for this purpose in the General Appropriations Act~~, and shall be subject to compliance audits and annual financial audits by the Auditor General.~~ To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

Section 115. Subsection (2) of section 411.221, Florida Statutes, is amended to read:

411.221 Prevention and early assistance strategic plan; agency responsibilities.—

(2) The strategic plan and subsequent plan revisions shall incorporate and otherwise utilize, to the fullest extent possible, the evaluation findings and recommendations from intraagency, independent third-party, field projects, and *reports issued by the* Auditor General *or the Office of Program Policy Analysis and Government Accountability* ~~evaluations~~, as well as the recommendations of the State Coordinating Council for School Readiness Programs.

Section 116. Subsection (11) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(11) ANNUAL AUDIT.—The board shall *provide for* ~~cause~~ an annual *financial* audit of the *foundation* ~~foundation's financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules adopted by the division~~. ~~The annual audit report shall be submitted to the Auditor General and to the division for review. The Auditor General and the division are each authorized to require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data; however,~~ The identities of donors and prospective donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report.

Section 117. Subsection (1) of section 413.87, Florida Statutes, is amended to read:

413.87 Annual audit.—

(1) The corporation shall *provide* ~~make provision~~ for an annual *financial audit in accordance with s. 215.98* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~. The annual audit report ~~is due before December 1 of each year, must include a management letter, and~~ must be submitted to the *commission, the* Auditor General, and the Office of Program Policy Analysis and Government Accountability for review. The Office of Program Policy Analysis and Government Accountability, the commission, and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The corporation shall annually certify whether the corporation is operating in a manner that is consistent with, and achieving objectives that are consistent with, the policies and goals of the commission and the plan.

Section 118. Section 413.88, Florida Statutes, is amended to read:

413.88 Annual report of the Occupational Access and Opportunity Commission; audits.—

~~(1)~~ Before January 1 of each year, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth for itself and its designated administrative entity:

(1)~~(a)~~ Its operations and accomplishments during the fiscal year.

(2)~~(b)~~ Its business and operational plan.

(3)~~(c)~~ The assets and liabilities of the designated administrative entity at the end of its most recent fiscal year.

(4)~~(d)~~ A copy of the annual financial ~~and compliance~~ audit.

~~(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or its designated administrative entity.~~

Section 119. Subsection (12) and paragraph (b) of subsection (13) of section 446.609, Florida Statutes, are amended to read:

446.609 Jobs for Florida's Graduates Act.—

(12) ANNUAL AUDIT.—The board shall *provide for* ~~cause~~ an annual *financial* audit of the *foundation* ~~foundation's financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules adopted by the department~~. ~~The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.~~

(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~ shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

Section 120. Subsection (9) of section 455.32, Florida Statutes, is amended to read:

455.32 Management Privatization Act.—

(9) The corporation shall provide for an annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant ~~in accordance with generally accepted auditing standards~~. The annual audit report shall include a *management letter in accordance with s. 11.45 and a* detailed supplemental schedule of expenditures for each expenditure category ~~and a management letter~~. The annual audit report must be submitted to the board, the department, and the Auditor General for review. ~~The Auditor General may, pursuant to his or her authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.~~

Section 121. Paragraph (j) of subsection (3) of section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(j) Provide for an annual financial ~~and compliance~~ audit of its financial accounts and records by an independent certified public accountant ~~in accordance with generally accepted auditing standards~~. The annual audit report shall include *a management letter in accordance with s. 11.45 and* a detailed supplemental schedule of expenditures for each expenditure category ~~and a management letter~~. The annual audit report must be submitted to the board, the department, and the Auditor General for review. ~~The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.~~

Section 122. Paragraph (c) of subsection (2) of section 550.125, Florida Statutes, is amended to read:

550.125 Uniform reporting system; bond requirement.—

(2)

(c) The Auditor General *and the Office of Program Policy Analysis and Government Accountability* may*, pursuant to their own authority or at the direction of the Legislative Auditing Committee,* audit*, examine,* and check the books and records of any permitholder ~~and, upon the request of the division, shall do so~~. These audit reports shall become part of, and be maintained in, the division files.

Section 123. Subsections (1) and (3) of section 570.903, Florida Statutes, are amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the museums*, the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the Division of Forestry, and the Forestry Arson Alert Program,* and other programs of the department, ~~in addition to any specific provisions elsewhere stated,~~ the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department or museum. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the museum, department, or designated program by a direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3)~~(a)~~ The direct-support organization shall *provide* ~~make provisions~~ for an annual *financial* audit ~~of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 215.98* ~~generally accepted accounting principles; provided that a direct-support organization having less than $25,000 in total assets may be audited by the department~~. ~~The annual audit report shall be submitted to the Auditor General and to the department for review within 2 months after the end of the direct-support organization's fiscal year.~~

~~(b) If the direct-support organization fails to submit the audit report at the appropriate time, the Auditor General may, pursuant to her or his own authority, conduct the audit, or the Auditor General shall conduct the audit at the direction of the Joint Legislative Auditing Committee, or the department shall engage an independent certified public accountant to conduct the audit. The direct-support organization shall pay for the entire costs of the audit.~~

~~(c) The Auditor General and the department shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the direct-support organization.~~

Section 124. Paragraph (d) of subsection (10) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(10) The powers and duties of the Department of Citrus include the following:

(d) To keep books, records, and accounts of all of its *activities* ~~doings~~, which books, records, and accounts shall be open to inspection*,* ~~and~~ audit*, and examination* by the Auditor General *and the Office of Program Policy Analysis and Government Accountability* ~~at all times~~.

Section 125. Subsection (2) of section 616.263, Florida Statutes, is amended to read:

616.263 Annual reports ~~and audit~~ of authority.—

(2) The authority shall at all times maintain proper accounting systems and procedures and shall be subject to *audit* ~~annual auditing~~ by the Auditor General ~~as provided in s. 11.45~~.

Section 126. Subsection (4) of section 657.008, Florida Statutes, is amended to read:

657.008 Place of doing business.—

(4) Any credit union organized under this state or federal law, the members of which are presently, or were at the time of admission into the credit union, employees of the state or a political subdivision or

municipality thereof, or members of the immediate families of such employees, may apply for space in any building owned or leased by the state or respective political subdivision or municipality in the community or district in which the credit union does business. The application shall be addressed to the officer charged with the allotment of space in such building. If space is available, the officer may allot space to the credit union at a reasonable charge for rent or services. If the governing body having jurisdiction over the building determines that the services rendered by the credit union to the employees of the governing body are equivalent to a reasonable charge for rent or services, available space may be allotted to the credit union without charge for rent or services. ~~The officer charged with the allotment of space in such building shall report annually the terms and conditions of such use of space to the Auditor General.~~

Section 127. Subsection (5) of section 744.708, Florida Statutes, is amended to read:

744.708 Reports and standards.—

(5) An independent audit by a qualified certified public accountant shall be performed at least every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards. A copy of the report shall be submitted to the Statewide Public Guardianship Office. In addition, the office of public guardian shall be subject to audits *or examinations* by the Auditor General *and the Office of Program Policy Analysis and Government Accountability* pursuant to *law* ~~s. 11.45~~.

Section 128. Subsection (3) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3) The Auditor General is directed in her or his ~~financial~~ audit of courts to ascertain that such assessments have been collected and remitted and shall report to the Legislature ~~annually~~. All such records of the courts shall be open for her or his inspection. The Auditor General is further directed to conduct ~~financial~~ audits of the expenditures of the trust funds and to report to the Legislature ~~annually~~. *Such audits shall be conducted in accordance with s. 11.45.*

Section 129. Section 943.2569, Florida Statutes, is amended to read:

943.2569 Annual audits of each center.—Each center shall *provide for* ~~contract with~~ an ~~independent certified public accountant to conduct~~ annual *financial audit and a management letter as defined in s. 11.45* ~~audits of the center~~. ~~Each audit must comply with the rules of the Auditor General for fiscal audits.~~

Section 130. Paragraph (c) of subsection (2) of section 944.512, Florida Statutes, is amended to read:

944.512 State lien on proceeds from literary or other type of account of crime for which convicted.—

(2) The proceeds of such account shall be distributed in the following order:

(c) After payments have been made pursuant to paragraph (a) or paragraph (b), an amount equal to pay all court costs in the prosecution of the convicted felon, which shall include, but not be limited to, jury fees and expenses, court reporter fees, and reasonable per diem for the prosecuting attorneys for the state, shall go to the General Revenue Fund. Additional costs shall be assessed for the computed per capita cost of imprisonment or supervision by the state or county correctional system. Such costs shall be determined *and certified by the prosecuting attorney and the imprisoning entity and subject to review* by the Auditor General.

Section 131. Subsection (3) of section 944.719, Florida Statutes, is amended to read:

944.719 Adoption of rules, monitoring, and reporting.—

(3) The private vendor shall provide a work area at the private correctional facility for use by the contract monitor appointed by the department and shall provide the monitor with access to all data, reports, and other materials that the monitor, ~~and~~ the Auditor General, *and the Office of Program Policy Analysis and Government Accountability* determine are necessary to carry out monitoring and auditing responsibilities.

Section 132. Subsection (3) of section 944.802, Florida Statutes, is amended to read:

944.802 Direct-support organization; definition; use of property; board of directors; audit.—

(3) ANNUAL AUDIT.—The direct-support organization shall *provide* ~~make provision~~ for *an* ~~any~~ annual *financial audit* ~~postaudit of its financial accounts to be conducted by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules to be promulgated by the Department of Corrections~~. ~~The annual audit report shall include a management letter and shall be submitted to the Auditor General and the Department of Corrections for review. The Department of Corrections and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.~~

Section 133. Section 946.31, Florida Statutes, is amended to read:

946.31 Sources of fund.—If any general service operation of an institution is transferred to the work program operation by the Department of Corrections, all assets and liabilities of such operation shall become a part of the Correctional Work Program Trust Fund. All income, receipts, earnings, and profits from work programs operated by the department shall be credited to the Correctional Work Program Trust Fund, to be used for the purposes set forth; however, if the earned surplus in the fund at the end of any fiscal year exceeds $5 million, one-half of such amount ~~as is determined by the Auditor General to be~~ in excess of this amount shall be deposited in the General Revenue Fund, and the other half shall be used by the department for the expansion and improvement of inmate work programs.

Section 134. Subsection (3) of section 948.15, Florida Statutes, is amended to read:

948.15 Misdemeanor probation services.—

(3) Any private entity providing services for the supervision of misdemeanor probationers must contract with the county in which the services are to be rendered. In a county with a population of less than 70,000, the county court judge, or the administrative judge of the county court in a county that has more than one county court judge, must approve the contract. Terms of the contract must state, but are not limited to:

(a) The extent of the services to be rendered by the entity providing supervision or rehabilitation.

(b) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association as of January 1, 1991.

(c) Staffing levels.

(d) The number of face-to-face contacts with the offender.

(e) Procedures for handling the collection of all offender fees and restitution.

(f) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay.

(g) Circumstances under which revocation of an offender's probation may be recommended.

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor

General*, the Office of Program Policy Analysis and Government Accountability,* or agents thereof.

Section 135. Section 957.07, Florida Statutes, is amended to read:

957.07 Cost-saving requirements.—The commission may not enter into a contract or series of contracts unless the commission determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the commission must be based upon the actual costs associated with the construction and operation of similar facilities or services as *determined by the Department of Corrections and* certified ~~to the commission~~ by the Auditor General. ~~In certifying the actual costs for the determination of the cost savings required by this section,~~ The *Department of Corrections* ~~Auditor General~~ shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the department, including ~~all~~ administrative costs associated with central administration. Services that are provided to the department by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem. Reasonable projections of payments of any kind to the state or any political subdivision thereof for which the private entity would be liable because of its status as private rather than a public entity, including, but not limited to, corporate income and sales tax payments, shall be included as cost savings in all such determinations. In addition, the costs associated with the appointment and activities of each contract monitor shall be included in such determination. In counties where the Department of Corrections pays its employees a competitive area differential, the cost for the public provision of a similar correctional facility may include the competitive area differential paid by the department. The *Department of Corrections* ~~Auditor General~~ shall provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. This report shall be provided to the *Auditor General* ~~commission~~ in sufficient time that it may be *certified to the commission to be* included in the request for proposals.

Section 136. Section 957.11, Florida Statutes, is amended to read:

957.11 Evaluation of costs and benefits of contracts.—The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall develop and implement an evaluation of the costs and benefits of each contract entered into under this chapter. This evaluation must include a comparison of the costs and benefits of constructing and operating prisons by the state versus by private contractors. The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall also evaluate the performance of the private contractor at the end of the term of each management contract and make recommendations to the Speaker of the House of Representatives and the President of the Senate on whether to continue the contract.

Section 137. Subsection (4) of section 960.002, Florida Statutes, is amended to read:

960.002 Direct-support organization to assist victims of adult and juvenile crime.—

(4) The direct-support organization shall *provide* ~~make provisions~~ for an annual financial ~~and compliance~~ audit ~~of its financial accounts and records by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules established by the Governor~~. ~~The annual audit report shall be submitted to the Governor for review and approval. Upon approval, the Governor shall certify the audit report to the Auditor General for review and approval.~~

Section 138. Paragraph (a) of subsection (1) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, ~~and~~ the Auditor General*, and the Office of Program Policy Analysis and Government Accountability* no later than January 1 of each year.

Section 139. Subsection (6) of section 985.4145, Florida Statutes, is amended to read:

985.4145 Direct-support organization; definition; use of property; board of directors; audit.—

(6) The direct-support organization shall provide for an annual financial *audit* ~~and compliance postaudit of its financial accounts and records by an independent certified public accountant~~ in accordance with *s. 215.98* ~~rules of the Auditor General~~. ~~The annual audit report must include a management letter and must be submitted to the Auditor General and the department for review. The department and the Auditor General may require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of the organization.~~

Section 140. Subsection (3) of section 985.416, Florida Statutes, is amended to read:

985.416 Innovation zones.—The department shall encourage each of the juvenile justice circuit boards to propose at least one innovation zone within the circuit for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a circuit, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one operating circuit may not be used to fund an innovation zone in another operating circuit.

Section 141. *Sections 11.149 and 11.46; paragraph (e) of subsection (2) of section 125.901; paragraph (l) of subsection (2) of section 215.56005; section 216.2815; subsection (23) of section 218.415; subsection (11) of section 228.053; subsection (6) of section 228.082; subsection (3) of section 253.037; section 265.607; subsection (2) of section 288.906; sections 288.9616 and 298.65; subsection (3) of section 331.419; sections 339.413, 348.69, and 373.589; subsection (3) of section 374.987; subsection (8) of section 380.510; sections 388.331 and 400.335; subsection (14) of section 403.1837; paragraph (i) of subsection (14) of section 440.49; subsection (14) of section 517.1204; and sections 570.912, 581.195, 589.013, and 590.612, Florida Statutes, are repealed.*

Section 142. Subsection (2) of section 189.4042, Florida Statutes, is amended to read:

189.4042 Merger and dissolution procedures.—

(2) The merger or dissolution of an independent special district or a dependent district created and operating pursuant to a special act may only be effectuated by the Legislature unless otherwise provided by

general law. If an *inactive* independent district was created by a county or municipality *through a referendum*, the county or municipality that created the district may ~~merge or~~ dissolve the district *after publishing notice as described in s. 189.4044. If an independent district was created by a county or municipality by referendum or any other procedure, the county or municipality that created the district may merge or dissolve the district* pursuant to the same procedure by which the independent district was created.~~;~~ However, for any ~~such~~ independent district that has ad valorem taxation powers, the same procedure required to grant such independent district ad valorem taxation powers shall also be required to dissolve or merge the district.

Section 143. Paragraph (b) of subsection (1) of section 189.4044, Florida Statutes, is amended to read:

189.4044 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by filing a report with the Speaker of the House of Representatives and the President of the Senate which shows that such special district is no longer active. The inactive status of the special district must be based upon a finding:

(b) That a notice of the proposed declaration has been published once a week for *2* 4 weeks in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located, stating the name of said special district, the law under which it was organized and operating, a general description of the territory included in said special district, and stating that any objections to the proposed declaration or to any claims against the assets of said special district shall be filed not later than 60 days following the date of last publication with the department; and

Section 144. Section 189.418, Florida Statutes, is amended to read:

189.418 Reports; *budgets;* audits.—

(1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in ss. 189.421 and 189.422 for failure to file the information required by this subsection.

(3) The governing body of each special district shall adopt a budget by resolution each fiscal year. The total amount available from taxation and other sources, including amounts carried over from prior fiscal years, must equal the total of appropriations for expenditures and reserves. The adopted budget must regulate expenditures of the special district, and it is unlawful for any officer of a special district to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations.

(4) The proposed budget of a dependent special district shall be presented in accordance with generally accepted accounting principles, contained within the general budget of the local governing authority, and be clearly stated as the budget of the dependent district. However, with the concurrence of the local governing authority, a dependent district may be budgeted separately.

(5) A local governing authority may, in its discretion, review the budget or tax levy of any special district located solely within its boundaries.

~~(3) Each special district shall file with the local general-purpose governing authority or authorities within the geographic boundaries of the district a copy of:~~

~~(a) The reports required by ss. 218.32 and 218.34;~~

~~(b) A complete description of all new bonds as provided in s. 218.38(1); and~~

~~(c) A map of the district and any subsequent boundary changes.~~

~~(4) Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.~~

(6)~~(5)~~ All reports or information required to be filed with a local governing authority under ss. ~~11.45,~~ 189.416, 189.417, 218.32, and *218.39* ~~218.34 and~~ this section shall:

(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 145. Section 189.419, Florida Statutes, is amended to read:

189.419 Effect of failure to file certain reports *or information*.—

(1) If a special district fails to file the reports *or information* required under ~~s. 11.45~~ s. 189.415, s. 189.416, s. 189.417, s. 189.418, s. 218.32, or *s. 218.39* ~~s. 218.34~~ and a description of all new bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to receive and read the reports *or information* shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports *or information*, except that an extension may not exceed 30 days.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports *or information* described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. 189.421.

(3) If a special district fails to file the reports *or information* required under ~~s. 11.45,~~ s. 218.32, ~~s. 218.34, or~~s. 218.38*, or s. 218.39* with the appropriate state agency, the agency shall notify the department, and the department may initiate proceedings against the special district in the manner provided in s. 189.421 or assess fines of not more than $25, with an aggregate total not to exceed $50, when formal inquiries do not resolve the noncompliance.

Section 146. Section 189.429, Florida Statutes, is amended to read:

189.429 Codification.—

(1) Each district, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the department pursuant to s. 189.418(2).

(2) The reenactment of existing law under this section shall not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this section shall continue to apply.

(3) The reenactment of existing law under this section shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law under this section shall be construed to affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 147. *Section 218.34, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for

audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenactment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S., which provides for special district financial matters;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (751586)(with title amendment)—On page 163, between lines 3 and 4, insert:

Section 147. Paragraph (h) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

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

(1)

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

Section 148. *The sum of $93,000 is appropriated from the General Revenue Fund for the 2001-2002 fiscal year for the purpose of paying the costs association with adding assistant attorneys general to the Senior Management Service Class in the Florida Retirement System.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 174, line 25, after the semicolon (;) insert: amending s. 121.055, F.S.; providing for mandatory participation of assistant attorneys general in the Senior Management Service Class; providing an appropriation;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Dyer, **CS for SB 822** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1707** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Dyer	Mitchell

Vote after roll call:

Yea to Nay—Jones, Lawson

HB 1711—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1711** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Mitchell

Vote after roll call:

Yea to Nay—Lawson

Consideration of **HB 1717** was deferred.

HB 1719—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1719** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Jones	Meek	Miller	Mitchell
Klein			

Vote after roll call:

Yea to Nay—Lawson

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of "support coordinator" in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **HB 1741** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1743** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Holzendorf	Meek	Mitchell

Vote after roll call:

Nay—Lawson

CS for SB 812—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 812** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Villalobos, by two-thirds vote **CS for HB 337** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 337—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—a companion measure, was substituted for **CS for SB 1010** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **CS for HB 337** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Miller, by two-thirds vote **CS for CS for HB 1509** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 1509—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.;

revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

—a companion measure, was substituted for **CS for SB 1330** as amended and read the second time by title. On motion by Senator Miller, by two-thirds vote **CS for CS for HB 1509** was read the third time by title.

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

Amendment 1 (985548)(with title amendment)—On page 84, between lines 2 and 3, insert:

Section 27. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 28. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 6, after the semicolon (;) insert: authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University;

Senator Miller moved the following amendment:

Amendment 2 (360370)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Vocational Student Assistance Grant Program; eligibility for grants.—*

(1) The Vocational Student Assistance Grant Program is created to be administered by the participating institutions in accordance with rules of the Florida Board of Education.

(2) A vocational student assistance grant may be made only to a student who enrolls in at least 6 semester hours per term, or the equivalent in quarter hours or clock hours, and who meets the general requirements for student eligibility as provided in section 240.404, Florida Statutes, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation and fees for 30 credit hours at state universities or the amount specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 renders the applicant ineligible for a Vocational Student Assistance Grant.

(3) A grant from the program may be awarded to a student who:

(a)1. Is enrolled in a public vocational-technical center, community college, or any nonpublic career education school or college accredited by an association that is recognized by the United States Department of Education, which school or college has never had its accreditation removed for any reason, has been in continuous operation for at least 5 years, has been issued a biennial license under section 246.217, Florida Statutes, has not been the subject of a finding of probable cause and subsequent disciplinary action under section 246.226 or section 246.228, Florida Statutes, is not required by the Federal Government to apply for reimbursement for Title IV funding, and is located in and chartered by the state; or

2. Is enrolled in an institution that has been licensed continuously for the preceding 5 years by the State Board of Independent Colleges and Universities, or has met the requirements of section 246.085(1)(a), Florida Statutes, and is accredited by an association recognized by the United States Department of Education, and which college has not been the subject of a finding of probable cause and subsequent disciplinary action under section 246.111, section 246.226, or section 246.228, Florida Statutes, has been issued a license under section 246.217, Florida Statutes, is not required by the Federal Government to apply for reimbursement for Title IV funding, and is located in and chartered by the state.

(b) Is enrolled in a course or program that awards a certificate or diploma as defined in section 246.203(6), Florida Statutes.

1. A student enrolled in a nonpublic school must be enrolled in a program which is comparable and compatible, as determined by the State Board of Nonpublic Career Education, with a public job-preparatory vocational-technical program and the program standards, including curriculum framework and student performance standards, as provided by rule of the Florida Board of Education.

2. A student enrolled in a nonpublic school must meet the same basic skills requirements as a student enrolled in public certificate-level career education as provided by rules of the Florida Board of Education.

(4) A student applying for a Florida Vocational Student Assistance Grant must also complete an application for the Pell Grant and, if the student is enrolled in a program that meets the Pell Grant eligibility requirement for program length, the student shall apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to the student. The criteria and procedure for establishing standards of eligibility shall be determined by the department in consultation with the State Board of Nonpublic Career Education and the State Board of Independent Colleges and Universities. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis as determined pursuant to this subsection. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(5)(a) A student may not receive simultaneously a vocational student assistance grant and any other form of student assistance grant provided pursuant to section 240.409, section 240.4095, or section 240.4097, Florida Statutes.

(b) The amount of the vocational student assistance grant may not exceed $1,000 and may not exceed the amount of demonstrated unmet need for matriculation and other fees.

(c) A student may not receive a vocational student assistance grant for more than 90 semester credit hours of enrollment, or the equivalent in quarter hours or clock hours.

(d) As a condition of renewal of a vocational student assistance grant, a student must be in compliance with the institutional definition of satisfactory progress for the receipt of federal Title IV programs and be eligible for continuous enrollment in the institution.

(6) Each participating institution shall report to the department by the established date the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the

department necessary demographic and eligibility data for such students.

(7)(a) The funds appropriated for the Florida Vocational Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities.

(b) Payment of Florida vocational student assistance grants shall be transmitted to the chief executive officer of the educational institution or to his or her representative in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) Institutions shall certify to the Department of Education the amount of funds disbursed to each student and shall remit to the department any undisbursed advances by April 1 of each year for preliminary allocation, and June 1 of each year for reallocation.

(d) Each institution that receives moneys through the Vocational Student Assistance Grant Program shall prepare an annual report that includes an independent external audit of the institution's administration of the program and a complete accounting of the moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every year. The department may conduct its own annual audit of an institution's administration of the program and its allocated funds. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(8) Funds appropriated by the Legislature for vocational student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of section 216.301, Florida Statutes, and pursuant to section 216.351, Florida Statutes, any balance in the trust fund at the end of any fiscal year that has been allocated to the Vocational Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 2. Paragraph (c) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan *or, if the loan is paid in full, directly to the teacher*. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 3. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of *75* ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is

to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

Section 4. Subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 5. Subsections (1), (2), (5), and (7) of section 240.40201, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in *a degree program, certificate program, or applied technology diploma program at* an eligible Florida public or private postsecondary education institution within *7* ~~3~~ years of graduation from high school. *An award may not be provided to a student beyond 7 years after high school graduation, regardless of the year in which the student first receives scholarship funding.*

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida *Medallion* ~~Merit~~ Scholarship, and the Florida Vocational Gold Seal Scholarship.

(5) The department shall issue awards from the scholarship program annually. ~~Annual awards may be for up to 45 semester credit hours or the equivalent.~~ Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this act.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an independent external audit or an audit prepared by the Office of the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida *Medallion* ~~Merit~~ Scholarship or a Florida Vocational Gold Seal Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

(11) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402, Florida Statutes, 1996 Supplement, is eligible for the Florida Academic Scholars award as provided in this chapter. A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.40201, Florida Statutes, 1996 Supplement, is eligible for the Florida Gold Seal Vocational Scholars award as provided in this chapter. Award eligibility ends 7 years after high school graduation.

Section 6. Paragraphs (b) and (f) of subsection (1) and subsection (2) of section 240.40202, Florida Statutes, are amended, present subsection (4) of that section is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *The term, "public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation. There is no application deadline for a student who graduates from a non-Florida high school pursuant to subparagraph (b)2.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation.~~ A student ~~who applies for an award by April 1 and~~ who meets all ~~other~~ eligibility requirements, but who does not accept his or her award *during the first year of eligibility after high school graduation*, may *apply for reinstatement of the award for use within 7* ~~reapply during subsequent application periods up to 3~~ years after high school graduation. *Reinstatement applications must be received by the deadline established by the Department of Education.*

(4) Each school district shall annually provide to each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as identify the awards for which the student has met the academic requirements.

Section 7. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal*, reinstatement, and restoration* awards.—

(1) *After the first year of eligibility, a student who wishes to receive* ~~To be eligible to renew~~ a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must *meet the following requirements for either renewal, reinstatement, or restoration*:

(a) *Renewal applies to a student who received an award for at least one term during the previous academic year. For renewal, a student must* complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship *and*~~.~~

~~(b)~~ maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida *Medallion* ~~Merit~~ Scholarship ~~or a Florida Vocational Gold Seal Scholarship~~, the Department of Education may grant a renewal from *the Florida Medallion Scholarship Program* ~~one of those other scholarship programs, if the student meets the renewal eligibility requirements~~; or

2. If *upon renewal evaluation*~~, at any time during the eligibility period~~, a student's grades *or hours, or both,* are *not sufficient* ~~insufficient~~ to renew the scholarship, the student may *use the cumulative grades or hours, or both, earned through the following summer to renew the scholarship* ~~restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once~~. The Legislature encourages *educational* ~~education~~ institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. ~~If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available.~~ The renewal, however, must not be granted until the student achieves the required cumulative grade point average *and earns the required number of credit hours*. If *during* the summer term *the student does not earn* ~~is not~~ sufficient *hours or* ~~to~~ raise the grade point average to the required renewal level, the *student is not eligible for an award* ~~student's next opportunity for renewal is the fall semester of~~ the following academic year.

(b) Reinstatement applies to a student who was eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Bright Futures eligibility determination. The student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.

(c) Restoration applies to a student who did not meet renewal grade-point average or hours-earned requirements at a prior evaluation period. A student may restore eligibility by meeting the required renewal grade-point average at a subsequent renewal evaluation period. A student is eligible for restoration only once. The student must submit a restoration application by the deadlines established by the Department of Eduction.

(2) A student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a technical certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

(3) A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate and graduate program that terminates in the award of a post-baccalaureate degree or the simultaneous award of baccalaureate and post-baccalaureate degrees may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.

Section 8. Subsection (2) of section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(2) An independent Florida college or university that is accredited by *an accrediting agency that is recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~ and which has operated in the state for at least 3 years.

Section 9. Subsections (1) and (4) of section 240.40205, Florida Statutes, are amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

~~Effective with the 1998-1999 school year,~~ A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall *be designated as an Academic Top Scholar and shall* receive an additional award of $1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 10. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida *Medallion* ~~Merit~~ Scholars award.—

(1) A student is eligible for a Florida *Medallion* ~~Merit~~ Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a)*1.* Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

2.~~(b)~~ Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; ~~or~~

(b)~~(c)~~ Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program*;*~~.~~

(c) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 240.40205; or

(d) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.

(2) A Florida *Medallion* ~~Merit~~ Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida *Medallion* ~~Merit~~ Scholar, a student must maintain the equivalent of a grade point aver-

age of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for *restoration* ~~reinstatement~~ one time as provided in this act.

Section 11. Paragraphs (a) and (c) of subsection (1) and subsections (3) and (4) of section 240.40207, Florida Statutes, are amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes ~~the secondary school portion of a sequential program of studies that requires~~ at least three secondary school vocational credits *in the same program* ~~taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech prep program, the student must complete a job preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities.~~ On-the-job training may not be substituted for any of the three required vocational credits.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(3) To be eligible for a renewal *or restoration* award as a Florida Gold Seal Vocational Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale for all postsecondary education work attempted*. A student has*~~, with~~ an opportunity for *one restoration* ~~reinstatement one time~~ as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal *Vocational* Scholar who *meets all renewal requirements for the Florida Medallion Scholars award,* ~~has a cumulative grade point average of 2.75 in all postsecondary education work attempted~~ may apply for a Florida *Medallion* ~~Merit~~ Scholars award at any renewal period *or the department may transfer the student to the Florida Medallion Scholars Award during any renewal period*. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

Section 12. Section 240.40209, Florida Statutes, is amended to read:

240.40209 Bright Futures Scholarship recipients attending nonpublic institutions; calculation of awards.—Notwithstanding ss. 240.40201, 240.40205, 240.40206, and 240.40207, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation *as defined by the Department of Education* for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.

Section 13. Paragraph (a) of subsection (1) and subsection (3) of section 240.404, Florida Statutes, are amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~.

2. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education. *A person who has been properly classified as a resident by a postsecondary education institution for initial receipt of state-funded student financial assistance and found to be eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if the student maintains continuous enrollment at the postsecondary education institution, with no break in enrollment greater than 12 consecutive months.*

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

4. Completion of the Free Application for Federal Student Aid provided by the U.S. Department of Education and submitted as required by the Florida Department of Education.

(3) Undergraduate students shall be eligible to receive financial aid for a maximum of *110 percent of the number of credit hours required to complete the program* ~~8 semesters or 12 quarters~~. ~~However, undergraduate students participating in college preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.~~

Section 14. Subsection (2) and paragraph (a) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(2) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the "Chappie" James Most Promising Teacher Scholarship*,* which shall be offered to a top graduating senior from each *publicly funded* ~~public~~ secondary school in the state. An additional number of "Chappie" James Most Promising Teacher Scholarship awards shall be offered annually to graduating seniors from nonpublic secondary schools in the state which are listed with the Department of Education and accredited by the Southern Association of Colleges and Schools or any other private statewide accrediting agency which makes public its standards, procedures, and member schools. The nonpublic secondary schools shall be in compliance with regulations of the Office for Civil Rights. The number of awards to nonpublic secondary school students shall be proportional to the number of awards available to public secondary school students and shall be calculated as the ratio of the number of nonpublic to public secondary school seniors in the state multiplied by the number of public secondary schools in the state.

(a) The scholarship may be used for attendance at a state university, a community college, or an independent institution as defined in s. 240.605.

(b) The amount of the scholarship is $1,500 and may be renewed for 1 year if the student earns a 2.5 cumulative grade point average and 12 credit hours per term and meets the eligibility requirements for renewal of the award.

(c) To be eligible for the scholarship, a student shall: be ranked within the top quartile of the senior class; have been an active member of a high school future teacher organization, if such organization exists in the student's school; have earned a minimum unweighted cumulative grade point average of 3.0 on a 4.0 scale; file an application within the application period; meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and have the intent to enter the public teaching profession in Florida.

(d) Three candidates from each *publicly funded* ~~public~~ secondary school and one candidate from each nonpublic secondary school in the state shall be nominated by the principal and a committee of teachers, based on criteria which shall include, but need not be limited to, rank in class, standardized test scores, cumulative grade point average, extracurricular activities, letters of recommendation, an essay, and a declaration of intention to teach in a public school in the state.

(e) From public secondary school nominees, the Commissioner of Education shall select a graduating senior from each *publicly funded* ~~public~~ high school to receive a scholarship. Selection of recipients from nonpublic secondary schools shall be made by a committee appointed by the Commissioner of Education comprised of representatives from nonpublic secondary schools and the Department of Education.

(f) Fifteen percent of scholarships awarded shall be to minority students. However, in the event that fewer than 15 percent of the total eligible nominees are minority students, the commissioner may allocate all award funds as long as a scholarship loan is reserved for each eligible minority nominee.

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this *chapter* ~~subsection~~, a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

Section 15. Subsections (2) and (3) of section 240.4064, Florida Statutes, are amended to read:

240.4064 Critical teacher shortage tuition reimbursement program.—

(2) The State Board of Education shall adopt rules to implement the critical teacher shortage tuition reimbursement program. Any full-time *certified teacher in a Florida publicly funded school or developmental research school* ~~public school employee or developmental research school employee certified to teach in this state~~ is eligible for the program. For the purposes of this program, tuition reimbursement shall be limited to courses in critical teacher shortage areas as determined by the State Board of Education. Such courses shall be:

(a) Graduate-level courses leading to a master's, specialist, or doctoral degree;

(b) Graduate-level courses leading to a new certification area; or

(c) State-approved undergraduate courses leading to an advanced degree or new certification area.

(3) Participants may receive tuition reimbursement payments for up to 9 semester hours, or the equivalent in quarter hours, per year, at a rate not to exceed *$115* ~~$78~~ per semester hour, up to a total of 36 semester hours. All tuition reimbursements shall be contingent on passing an approved course with a minimum grade of 3.0 or its equivalent.

Section 16. Paragraph (a) of subsection (2) of section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(2)(a) State student assistance grants through the program may be made only to ~~full-time~~ degree-seeking students *who enroll in at least 6 semester hours or the equivalent, per term and* who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. *A* ~~No~~ student *is eligible for the award for 110 percent of the number of credit hours required to complete the program* ~~may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment~~, except as otherwise provided in s. 240.404(3).

Section 17. Paragraph (a) of subsection (2) of section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. *A* ~~No~~ student *is eligible for the award for 110 percent of credit hours required to complete the program* ~~may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment~~, except as otherwise provided in s. 240.404(3).

Section 18. Paragraph (a) of subsection (2) of section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of

demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

A ~~No~~ student *is eligible for the award for 110 percent of the number of credit hours required to complete the program* ~~may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment~~, except as otherwise provided in s. 240.404(3).

Section 19. Paragraph (a) of subsection (5) and subsection (6) of section 240.412, Florida Statutes, are amended to read:

240.412 Jose Marti Scholarship Challenge Grant Program.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic-American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

3. Be accepted at a state university or community college or any Florida college or university accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation the credits of which are acceptable without qualification for transfer to state universities~~.

4. Enroll as a full-time undergraduate ~~or graduate~~ student.

5. Earn a 3.0 unweighted grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. ~~If an applicant applies as a graduate student, he or she shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.~~

(6) The annual scholarship to each recipient shall be $2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except as otherwise provided in s. 240.404(3). ~~No graduate student shall receive an award for more than the equivalent of 4 semesters or 6 quarters.~~

Section 20. Paragraph (a) of subsection (2) of section 240.4126, Florida Statutes, is amended to read:

240.4126 Rosewood Family Scholarship Program.—

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(a) The annual award to a student shall be ~~up to~~ $4,000 ~~but should not exceed an amount in excess of tuition and registration fees~~.

Section 21. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department by the established date the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department demographic and eligibility data for the recipient.*

Section 22. Subsection (2) of section 240.413, Florida Statutes, is amended to read:

240.413 Seminole and Miccosukee Indian Scholarships.—

(2) Scholarships shall be awarded by the department to students who:

(a) Have graduated from high school, have earned an equivalency diploma issued by the Department of Education pursuant to s. 229.814, have earned an equivalency diploma issued by the United States Armed Forces Institute, or have been accepted through an early admission program;

(b) Are enrolled at a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities~~;

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university;

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida; and

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

Section 23. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) ~~Effective July 1, 1992,~~ All new and existing financial assistance programs authorized under this part*, and those programs in other parts of the Florida Statutes which are administered by the Florida Department of Education, Bureau of Student Financial Assistance,* which are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The *Bureau* ~~Office~~ of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 24. Subsection (13) of section 240.472, Florida Statutes, is amended to read:

240.472 Definitions.—As used in this act:

(13) "Institution" means any college or university which, by virtue of law or charter, is accredited by *an accrediting agency that is recognized by the United States Department of Education* ~~and holds membership in the Commission on Recognition of Postsecondary Accreditation~~; which grants baccalaureate or associate degrees; which is not a pervasively

sectarian institution; and which does not discriminate in the admission of students on the basis of race, color, religion, sex, or creed.

Section 25. Subsection (1) and paragraph (d) of subsection (2) of section 240.6073, Florida Statutes, are amended to read:

240.6073 Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program.—

(1) There is established the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program. The primary function of the program is to make repayments toward loans received by students from institutions for the support of postsecondary study of occupational therapy or physical therapy. Repayments shall be made to qualified applicants who initiate employment in the *publicly funded* ~~public~~ schools of this state and who apply during their first year of employment in a public school setting.

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(d) All repayments shall be contingent on continued proof of employment for 3 years as a therapist or therapy assistant by the *publicly funded* ~~public~~ schools in this state and shall be made directly to the holder of the loan *or, if the loan is paid in full, directly to the therapist*. The state shall not bear the responsibility for the collection of any interest charges or other remaining balance. In the event that a critical shortage is no longer verified, a therapist or therapy assistant shall continue to be eligible for loan forgiveness as long as the therapist or therapy assistant continues to be employed by the public schools of this state and otherwise meets all conditions of eligibility.

Section 26. Paragraph (b) of subsection (2) and subsection (4) of section 240.6074, Florida Statutes, are amended to read:

240.6074 Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program.—

(2) To be eligible, a candidate shall:

(b) Have declared an intention to be employed by the *publicly funded* ~~public~~ schools of this state for 3 years following completion of the requirements. In the event critical shortage areas are changed by the State Board of Education, a student shall continue to be eligible for an award as long as the student continues in the therapist educational program for which the initial award was made and the student otherwise meets all other conditions of eligibility.

(4) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 240.451 and 240.465. A scholarship loan must be paid back within 10 years of completion of a program of studies.

(a) Credit for repayment of a scholarship loan shall be in an amount not to exceed $2,000 plus applicable accrued interest for each full year of employment by the *publicly funded* ~~public~~ schools of this state.

(b) Any therapist or therapy assistant who fails to be employed by a *publicly funded* ~~public~~ school in this state as specified in this subsection is responsible for repaying the loan plus interest. Repayment schedules and applicable interest rates shall be determined by the rules of the State Board of Education under ss. 240.451 and 240.465.

Section 27. Subsections (1), (2), and (4) of section 240.6075, Florida Statutes, are amended to read:

240.6075 Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.—

(1) There is established the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program to improve the skills and knowledge of current therapists and therapy assistants who are employed by *a publicly funded school in this state* ~~the public school system~~.

(2) Any full-time ~~public school~~ employee *in a publicly funded school in this state who is* licensed to practice occupational therapy or physical therapy in this state is eligible for the program.

(4) The participant shall be employed by *a publicly funded school* ~~the public schools~~ of this state for 3 years following completion of the requirements.

Section 28. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(1) It is ~~hereby~~ declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

(a) Died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(14) or has died since or may hereafter die from diseases or disability resulting from such war service, or

(b) Has been:

1. Determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation,

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, or

3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17.~~,~~

(2) ~~when~~ The parents of such children *must* have been bona fide residents of the state for 5 years ~~next~~ preceding their application for the benefits *under this section* ~~hereof, and subject to the rules, restrictions, and limitations hereof~~.

(3)~~(2)~~ The provisions of ss. 240.404, 295.03, 295.04, and 295.05 shall apply.

(4)~~(3)~~ The State Board of Education shall adopt rules for administering this section.

Section 29. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) All sums appropriated and expended under this chapter shall be used to pay *matriculation* ~~tuition~~ and registration fees *as defined by the Department of Education*, board, and room rent and to buy books and supplies for the children of*:*

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, or s. 295.0195~~;~~, or ~~of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015.~~,~~

(2) Such children must be ~~who are~~ between the ages of 16 and 22 years and *attend* ~~who are in attendance at~~ a state-supported institution of higher learning, including a community college or vocational-technical school *or attend any postsecondary institution eligible to participate in the Florida Bright Futures Program. A student attending an eligible nonpublic institution may receive an award equivalent to the average matriculation and fees calculated for full-time enrollment at a public postsecondary institution at the comparable level*. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed. The Department of Education shall administer this educational program subject to regulations of the department.

Section 30. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university *may* ~~is authorized to~~ establish separate activity and service, health, and athletic fees. When duly established, *these* ~~the~~ fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(a)1. Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. *These purposes* ~~This~~ shall include, but *are* ~~shall~~ not ~~be~~ limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for *student-government-sponsored* ~~student-government-association-sponsored~~ concerts. The allocation and expenditure of the fund shall be determined by the student government ~~association~~ of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government ~~association~~ legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government ~~association~~ legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b) Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent *modification* ~~increase~~ in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

Section 31. Section 240.236, Florida Statutes, is created to read:

240.236 University student governments.—

(1) There is created within each state university a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:

(a) The operation and administration of the student government.

(b) The election, appointment, removal, and discipline of officers of the student government.

(c) The execution of all other duties as prescribed to the student government by law.

(2) Any elected officer of the student government of a state university may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.

(3) The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.

(4) Each student government is a part of the university at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the university president.

Section 32. Subsection (3) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of Regents for approval without prior consultation with the student government ~~association~~ of that university. The Board of Regents shall *adopt* ~~promulgate~~ rules *that* ~~which~~ are consistent with this requirement.

Section 33. Section 240.336, Florida Statutes, is created to read:

240.336 Community college student governments.—

(1) There is created within each community college a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:

(a) The operation and administration of the student government.

(b) The election, appointment, removal, and discipline of officers of the student government.

(c) The execution of all other duties as prescribed to the student government by law.

(2) Any elected officer of the student government of a community college may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.

(3) The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.

(4) Each student government is a part of the community college at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the community college president.

Section 34. Subsection (2) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(2) In consultation with the student government ~~association~~ or a recognized student group representing the student body, the district board of trustees of any community college may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the district board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the district board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the community college. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

Section 35. Subsections (1), (2), and (4) of section 240.531, Florida Statutes, are amended to read:

240.531 Establishment of educational research centers for child development.—

(1) Upon approval of the university president, the student government ~~association~~ of any university within the State University System may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development, consisting of the president of the university or his or her designee, the student *body* ~~government~~ president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance for the center.

(4) The Board of Regents *shall adopt* ~~is authorized and directed to promulgate~~ rules for the establishment, operation, and supervision of educational research centers for child development. *These* ~~Such~~ rules shall include, but *are* ~~need~~ not ~~be~~ limited to,~~:~~ a defined method of establishment of and participation in the operation of centers by the appropriate student *governments,* ~~government associations;~~ guidelines for the establishment of an intern program in each center,~~;~~ and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

Section 36. Subsection (18) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(18) "Student representative" means the representative selected by each community college student government ~~association~~ and the council of student body presidents. Each representative may be present at all negotiating sessions which take place between the appropriate public employer and an exclusive bargaining agent. *The* ~~Said~~ representative shall be enrolled as a student with at least 8 credit hours in the respective community college or in the State University System during his or her term as student representative.

Section 37. Subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.—

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government ~~association~~ of each college shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; however, this limitation does not apply to the use of student activity fees for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 38. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 39. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

Section 40. *Section 240.136, Florida Statutes, is repealed.*

Section 41. *Sections 240.40208, 240.40242, and subsection (5) of section 240.465, Florida Statutes, are repealed.*

Section 42. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending ss. 240.209, 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid for students at state universities and community colleges; requiring a report; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; requiring school districts to provide an annual report to students; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; expanding eligibility for the Florida Academic Scholarship; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

Senator Miller moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (842136)—In title, on page 55, lines 1 and 2, delete those lines and insert: An act relating to education; creating the Vocational Student

Amendment 2 as amended was adopted by two-thirds vote.

On motion by Senator Miller, **CS for CS for HB 1509** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.;

revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breech of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to

family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 137** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term "aggressive careless driving"; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for HB 175** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

HB 1729—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **HB 1729** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 953** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

SB 1634—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or

delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **SB 1634** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the Secretary of Corrections to designate persons in the Office of the Inspector General as law enforcement officers to conduct criminal investigations occurring on property under the jurisdiction of the department; such persons must be certified and possess minimum experience; requiring a memorandum of understanding between the department and the Department of Law Enforcement relating to predicate events; authorizing law enforcement officers to make warrantless arrests; providing that arrested persons must be surrendered to the county detention facility; amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Bronson, **CS for SB's 1708 and 1626** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lawson

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 1731** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lawson

Consideration of **CS for CS for SB 792** and **CS for SB 904** was deferred.

CS for SB 1816—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements

for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1816** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

SB 1230—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Peaden, **SB 1230** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; providing for priority in the allocation of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 1368** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public records requirements for personal identifying information contained in financial records, patient records, and other medical records, as well as bank account numbers, debit, charge, and credit card numbers, held by the Department of Insurance; providing for future review and repeal; providing a finding of public necessity; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (824200)(with title amendment)—On page 3, line 10 through page 5, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 11-18, delete those lines and insert: of public necessity; providing an effective date.

On motion by Senator Rossin, **CS for SB 1734** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 199** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

HB 29—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **HB 29** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

THE PRESIDENT PRESIDING

On motion by Senator Latvala, by two-thirds vote **CS for HB 1253** was withdrawn from the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 1253—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1960 and 1760** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1253** was read the third time by title.

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

Amendment 1 (800658)(with title amendment)—Delete everything after the enacting clause and insert:

WHEREAS, the Legislature recognizes that the increasing number of uninsured Floridians is due in part to small employers' and their employees' inability to afford comprehensive health insurance coverage, and

WHEREAS, the Legislature recognizes the need for small employers and their employees to have the opportunity to choose more affordable and flexible health insurance plans, and

WHEREAS, it is the intent of the Legislature that insurers and health maintenance organizations have maximum flexibility in health plan design or in developing a health plan design to complement a medical savings account program established by a small employer for the benefit of its employees, NOW, THEREFORE,

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

Section 1. *Health flex plans.—*

(1) INTENT.—The Legislature finds that a significant portion of state residents are not able to obtain affordable health insurance coverage. Therefore, it is the intent of the Legislature to expand the availability of health care options for lower-income uninsured state residents by encouraging health insurers, health maintenance organizations, health care provider-sponsored organizations, local governments, health care districts, and other public or private community-based organizations to develop alternative approaches to traditional health insurance which emphasize coverage for basic and preventive health care services. To the maximum extent possible, these options should be coordinated with existing governmental or community-based health services programs in a manner that is consistent with the objectives and requirements of such programs.

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

(a) "Agency" means the Agency for Health Care Administration.

(b) "Approved plan" means a health flex plan approved under subsection (3) which guarantees payment by the health plan entity for specified health care services provided to the enrollee.

(c) "Enrollee" means an individual who has been determined eligible for and is receiving health benefits under a health flex plan approved under this section.

(d) "Health care coverage" means payment for health care services covered as benefits under an approved plan or which otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.

(e) "Health plan entity" means a health insurer, health maintenance organization, health care provider-sponsored organization, local government, health care district, or other public or private community-based organization that develops and implements an approved plan and is responsible for financing and paying all claims by enrollees of the plan.

(3) PILOT PROGRAM.—The agency and the Department of Insurance shall jointly approve or disapprove health flex plans that provide health care coverage for eligible participants residing in the three areas of the state having the highest number of uninsured residents as determined by the agency. A plan may limit or exclude benefits otherwise required by law for insurers offering coverage in this state, cap the total amount of claims paid in 1 year per enrollee, or limit the number of enrollees covered. The agency and the Department of Insurance shall not approve, or shall withdraw approval of, plans that:

(a) Contain any ambiguous, inconsistent, or misleading provisions or any exceptions or conditions that deceptively affect or limit the benefits purported to be assumed in the general coverage provided by the plan;

(b) Provide benefits that are unreasonable in relation to the premium charged, contain provisions that are unfair or inequitable or contrary to the public policy of this state, that encourage misrepresentation, or that result in unfair discrimination in sales practices; or

(c) Cannot demonstrate that the plan is financially sound and that the applicant has the ability to underwrite or finance the benefits provided.

(4) LICENSE NOT REQUIRED.—A health flex plan approved under this section is not subject to the licensing requirements of the Florida Insurance Code or chapter 641, Florida Statutes, relating to health maintenance organizations, unless expressly made applicable. However, for the purposes of prohibiting unfair trade practices, health flex plans shall be considered insurance subject to the applicable provisions of part IX of chapter 626, Florida Statutes, except as otherwise provided in this section.

(5) ELIGIBILITY.—Eligibility to enroll in an approved health flex plan is limited to Florida residents who:

(a) Are 64 years of age or younger;

(b) Have a family income equal to or less than 200 percent of the federal poverty level;

(c) Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program such as Medicare or Medicaid or another public health care program, including, but not limited to, KidCare; and have not been covered at any time during the preceding 6 months; and

(d) Have applied for health care benefits through an approved health flex plan and agree to make any payments required for participation, including, but not limited to, periodic payments or payments due at the time health care services are provided.

(6) RECORDS.—Every health plan entity shall maintain reasonable records of its loss, expense, and claims experience and shall make such records reasonably available to enable the agency and the Department of Insurance to monitor and determine the financial viability of the plan, as necessary.

(7) NOTICE.—The denial of coverage by the health plan entity, or nonrenewal or cancellation of coverage, must be accompanied by the specific reasons for denial, nonrenewal, or cancellation. Notice of nonrenewal or cancellation shall be provided at least 45 days in advance of such nonrenewal or cancellation, except that 10 days' written notice shall be given for cancellation due to nonpayment of premiums. If the health plan entity fails to give the required notice, the plan shall remain in effect until notice is appropriately given.

(8) NONENTITLEMENT.—Coverage under an approved health flex plan is not an entitlement, and no cause of action shall arise against the state, a local government entity or other political subdivision of this state, or the agency for failure to make coverage available to eligible persons under this section.

(9) CIVIL ACTIONS.—In addition to an administrative action initiated under subsection (4), the agency may seek any remedy provided by law, including, but not limited to, the remedies provided in section 812.035, Florida Statutes, if the agency finds that a health plan entity has engaged in any act resulting in injury to an enrollee covered by a plan approved under this section.

Section 2. Subsection (1) and paragraph (a) of subsection (6) of section 627.410, Florida Statutes, are amended, paragraph (f) and (g) are added to subsection (6) of that section, and paragraph (f) is added to subsection (7) of that section, to read:

627.410 Filing, approval of forms.—

(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or group certificates issued under a master contract delivered in this state, or printed rider or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its offices in Tallahassee by or in behalf of the insurer which proposes to use such form and has been approved by the department. This provision does not apply to surety bonds or to policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject (other than as to health insurance), or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the department for information purposes only*, except that group certificates for health insurance coverage, as described in s. 627.6561(5)(a)2., which require individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual, shall be considered policies issued on an individual basis and are subject to and must comply with the Florida Insurance Code in the same manner as individual health insurance policies issued in this state*.

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates. *Changes in rates, rating manuals, and rating schedules for individual health insurance policies shall be filed for approval pursuant to this paragraph. Prior approval shall not be required for an individual health insurance policy rate filing which complies with the requirements of paragraph (6)(f). Nothing in this paragraph shall be construed to interfere with the department's authority to investigate suspected violations of this section or to take necessary corrective action where a violation can be demonstrated. Nothing in this paragraph shall prevent an insurer from filing rates or rate changes for approval or from deeming rate changes approved pursuant to an approved loss ratio guarantee pursuant to subsection (8). This paragraph does not apply to group health insurance policies, effectuated and delivered in this state, insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(f) An insurer that files changes in rates, rating manuals or rating schedules, with the department, for individual health policies as described in s. 627.6561(5)(a)2., but excluding Medicare supplement policies, according to this paragraph may begin providing required notice to policyholders, and charging corresponding adjusted rates in accordance with s. 627.6043, upon filing provided the insurer certifies that it has met the requirements of subparagraphs 1. through 3. of this paragraph. Filings submitted pursuant to this paragraph shall contain the same information and demonstrations and shall meet the same requirements as rate filings submitted for approval under this section, including the requirements of s. 627.411, except as indicated in this paragraph.

1. The insurer has complied with annual rate filing requirements then in effect pursuant to subsection (7) since the effective date of this paragraph or for the previous 2 years, whichever is less and has filed and implemented actuarially justifiable rate adjustments at least annually during this period. Nothing in this section shall be construed to prevent an insurer from filing rate adjustments more often than annually.

2. The insurer has pooled experience for applicable individual health policy forms in accordance with the requirements of subparagraph (6)(e)3. Rate changes used on a form shall not vary by the experience of that form or the health status of covered individuals on that form but must be based on the experience of all forms including rating characteristics as defined in subparagraph 4.

3. Rates for the policy form are anticipated to meet a minimum loss ratio of 65 percent over the expected life of the form.

4. Rates for all individual health policy forms issued on or after July 1, 2001, shall utilize the same factors for each rating characteristic.

As used in this paragraph, the term "rating characteristics" means demographic characteristics of individuals, including, but not limited to, geographic area factors, benefit design, smoking status, and health status at issue.

(g) Subsequent to filing a change of rates for an individual health policy pursuant to paragraph (f), an insurer may be required to furnish additional information to demonstrate compliance with this section. If the department finds that the adjusted rates are not reasonable in relation to premiums charged pursuant to the standards of this section, the department may order appropriate corrective action.

(7)

(f) Insurers with fewer than 1,000 nationwide policyholders or insured group members or subscribers covered under any form or pooled group of forms with health insurance coverage, as described in s. 627.6561(5)(a)2., excluding Medicare supplement insurance coverage under part VIII, at the time of a rate filing made pursuant to subparagraph (b)1., may file for an annual rate increase limited to medical trend as adopted by the department pursuant to s. 627.411(4). The filing is in lieu of the actuarial memorandum required for a rate filing prescribed by paragraph (6)(b). The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.

Section 3. Subsection (9) is added to section 627.6515, Florida Statutes, to read:

627.6515 Out-of-state groups.—

(9) Notwithstanding any other provision of this section, any group health insurance policy or group certificate for health insurance, as described in s. 627.6561(5)(a)2., which is issued to a resident of this state and requires individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual shall be considered a policy issued on an individual basis and is subject to and must comply with the Florida Insurance Code in the same manner as individual insurance policies issued in this state.

Section 4. Section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) Is for health insurance, and*:*

1. Provides benefits *that* ~~which~~ are unreasonable in relation to the premium charged*;*~~,~~

2. Contains provisions *that* ~~which~~ are unfair or inequitable or contrary to the public policy of this state or *that* ~~which~~ encourage misrepresentation*;*~~, or~~

3. Contains provisions that ~~which~~ apply rating practices *that* ~~which result in premium escalations that are not viable for the policyholder market or~~ result in unfair discrimination *pursuant to s. 626.9541(1)(g)2.;* ~~in sales practices.~~

4. Results in actuarially justified rate increases on an annual basis:

a. Attributed to the insurer reducing the portion of the premium used to pay claims from the loss ratio standard certified in the last actuarial certification filed by the insurer, in excess of the greater of 50 percent of annual medical trend or 5 percent. At its option, the insurer may file for approval of an actuarially justified new business rate schedule for new insureds and a rate increase for existing insureds that is equal to the greater of 150 percent of annual medical trend or 10 percent. Future annual rate increases for existing insureds shall be limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge;

b. In excess of the greater of 150 percent of annual medical trend or 10 percent and the company did not comply with the annual filing requirements of s. 627.410(7) or department rule for health maintenance organizations pursuant to s. 641.31. At its option the insurer may file for approval of an actuarially justified new business rate schedule for new insureds and a rate increase for existing insureds that is equal to the rate increase allowed by the preceding sentence. Future annual rate increases for existing insureds shall be limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge; or

c. In excess of the greater of 150 percent of annual medical trend or 10 percent on a form or block of pooled forms in which no form is currently available for sale. This provision does not apply to prestandardized Medicare supplement forms.

(f) Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

(2) In determining whether the benefits are reasonable in relation to the premium charged, the department, in accordance with reasonable actuarial techniques, shall consider:

(a) Past loss experience and prospective loss experience within and without this state.

(b) Allocation of expenses.

(c) Risk and contingency margins, along with justification of such margins.

(d) Acquisition costs.

(3) If a health insurance rate filing changes the established rate relationships between insureds, the aggregate effect of such change shall be revenue-neutral. The change to the new relationship shall be phased-in

over a period not to exceed 3 years as approved by the department. The rate filing may also include increases based on overall experience or annual medical trend, or both, which portions shall not be phased-in pursuant to this paragraph.

(4) Individual health insurance policies which are subject to renewability requirements of s. 627.6425 shall be deemed guaranteed renewable for purposes of establishing loss ratio standards and shall comply with the same loss ratio standards as other guaranteed renewable forms.

(5) In determining medical trend for application of subparagraph (1)(e)4., the department shall semiannually determine medical trend for each health care market, using reasonable actuarial techniques and standards. The trend must be adopted by the department by rule and determined as follows:

(a) Trend must be determined separately for medical expense; preferred provider organization; Medicare supplement; health maintenance organization; and other coverage for individual, small group, and large group, where applicable.

(b) The department shall survey insurers and health maintenance organizations currently issuing products and representing at least an 80-percent market share based on premiums earned in the state for the most recent calendar year for each of the categories specified in paragraph (a).

(c) Trend must be computed as the average annual medical trend approved for the carriers surveyed, giving appropriate weight to each carrier's statewide market share of earned premiums.

(d) The annual trend is the annual change in claims cost per unit of exposure. Trend includes the combined effect of medical provider price changes, changes in utilization, new medical procedures, and technology and cost shifting.

Section 5. Subsections (4) and (8) of section 627.6487, Florida Statutes, are amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(4)(a) The health insurance issuer may elect to limit the coverage offered under subsection (1) if the issuer offers at least two different policy forms of health insurance coverage, both of which:

1. Are designed for, made generally available to, actively marketed to, and enroll both eligible and other individuals by the issuer; and

2. Meet the requirement of paragraph (b).

For purposes of this subsection, policy forms that have different cost-sharing arrangements or different riders are considered to be different policy forms.

(b) The requirement of this subsection is met for health insurance coverage policy forms offered by an issuer in the individual market if the issuer offers the *basic and standard health benefit plans as established pursuant to s. 627.6699(12) or* policy forms for individual health insurance coverage with the largest, and next to largest, premium volume of all such policy forms offered by the issuer in this state or applicable marketing or service area, as prescribed in rules adopted by the department, in the individual market in the period involved. To the greatest extent possible, such rules must be consistent with regulations adopted by the United States Department of Health and Human Services.

(8) This section does not:

(a) Restrict the *issuer from applying the same nondiscriminatory underwriting and rating practices that are applied by the issuer to other individuals applying for coverage* ~~amount of the premium rates that an issuer may charge an individual for individual health insurance coverage~~; or

(b) Prevent a health insurance issuer that offers individual health insurance coverage from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

Section 6. Subsection (12) of section 627.6482, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(12) "Premium" means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. ~~"Premium" shall not include a health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years,~~ A health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract ~~for 1992 and subsequent years~~ to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.

(15) "Federal poverty level" means the most current federal poverty guidelines, as established by the federal Department of Health and Human Services and published in the Federal Register, and in effect on the date of the policy and its annual renewal.

(16) "Family income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

Section 7. Section 627.6486, Florida Statutes, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any *person who is a* resident of this state *and has been a resident of this state for the previous 6 months is* ~~shall be~~ eligible for coverage under the plan, including:

(a) The insured's spouse.

(b) Any dependent ~~unmarried~~ child of the insured, from the moment of birth. Subject to the provisions of *ss.* ~~s.~~ 627.6041 *and 627.6562*, such coverage shall terminate at the end of the premium period in which the child ~~marries,~~ ceases to be a dependent of the insured~~, or attains the age of 19, whichever occurs first. However, if the child is a full-time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full-time student, but not beyond the premium period in which the child reaches age 23~~.

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency *for the preceding 6 months* and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy. *A person may demonstrate his or her residency by maintaining his or her residence in this state for the preceding 6 months, purchasing a home that has been occupied by him or her as his or her primary residence for the previous 6 months, or having established a domicile in this state pursuant to s. 222.17 for the preceding 6 months.*

(b) No person who is currently eligible for health care benefits under Florida's Medicaid program is eligible for coverage under the plan unless:

1. He or she has an illness or disease which requires supplies or medication which are covered by the association but are not included in the benefits provided under Florida's Medicaid program in any form or manner; and

2. He or she is not receiving health care benefits or coverage under Florida's Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage.

(d) No person on whose behalf the plan has paid out *the lifetime maximum benefit currently being offered by the association of* $500,000 in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. If such person again becomes eligible for subsequent coverage under the plan, any previous claims payments shall be applied towards the $500,000 lifetime maximum benefit and any limitation relating to preexisting conditions in effect at the time such person again becomes eligible shall apply to such person. ~~However, no such person may again become eligible for coverage after June 30, 1991.~~

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, "rejection" includes an offer of coverage with a material underwriting restriction ~~or an offer of coverage at a rate greater than the association plan rate~~.

(g) No person is eligible for coverage under the plan if such person has, *or is eligible for,* on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, *or such coverage is provided pursuant to s. 627.6692* and *such coverage is* scheduled to end at a time certain and the person meets all other requirements of eligibility. Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA *or pursuant to s. 627.6692*.

(h) *A person is ineligible for coverage under the plan if such person is currently eligible for health care benefits under the Medicare program, except for a person who is insured by the Florida Comprehensive Health Association and enrolled under Medicare on July 1, 2001.* ~~All eligible persons who are classified as high-risk individuals pursuant to s. 627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost-effective and provide quality care to the individual.~~

(i) A person is ineligible for coverage under the plan if such person's premiums are paid for or reimbursed under any government-sponsored program or by any government agency or health care provider.

(j) An eligible individual, as defined in s. 627.6487, and his or her dependents, as described in subsection (1), are automatically eligible for coverage in the association unless the association has ceased accepting new enrollees under s. 627.6488. If the association has ceased accepting new enrollees, the eligible individual is subject to the coverage rights set forth in s. 627.6487.

(3) A person's coverage ceases:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date of death of the covered person;

(d) On the date state law requires cancellation of the policy; or

(e) Sixty days after the person receives notice from the association making any inquiry concerning the person's eligibility or place or residence to which the person does not reply.

(4) All eligible persons must, upon application or renewal, agree to be placed in a case-management system when the association and case manager find that such system will be cost-effective and provide quality care to the individual.

(5) Except for persons who are insured by the association on December 31, 2001, and who renew such coverage, persons may apply for coverage beginning January 1, 2002, and coverage for such persons shall begin on or after April 1, 2002, as determined by the board pursuant to s. 627.6488(4)(n).

Section 8. Subsection (3) of section 627.6487, Florida Statutes, is amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(3) For the purposes of this section, the term "eligible individual" means an individual:

(a)1. For whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage, as defined in s. 627.6561(5) and (6), is 18 or more months; and

2.a. Whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan, or health insurance coverage offered in connection with any such plan; or

b. Whose most recent prior creditable coverage was under an individual plan issued in this state by a health insurer or health maintenance organization, which coverage is terminated due to the insurer or health maintenance organization becoming insolvent or discontinuing the offering of all individual coverage in the State of Florida, or due to the insured no longer living in the service area in the State of Florida of the insurer or health maintenance organization that provides coverage through a network plan in the State of Florida;

(b) Who is not eligible for coverage under:

1. A group health plan, as defined in s. 2791 of the Public Health Service Act;

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

3. Part A or part B of Title XVIII of the Social Security Act; ~~or~~

4. A state plan under Title XIX of such act, or any successor program, and does not have other health insurance coverage; *or*

5. The Florida Comprehensive Health Association, if the association is accepting and issuing coverage to new enrollees, provided that the 63-day period specified in s. 627.6561(6) shall be tolled from the time the association receives an application from an individual until the association notifies the individual that it is not accepting and issuing coverage to that individual;

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) was not terminated based on a factor described in s. 627.6571(2)(a) or (b), relating to nonpayment of premiums or fraud, unless such nonpayment of premiums or fraud was due to acts of an employer or person other than the individual;

(d) Who, having been offered the option of continuation coverage under a COBRA continuation provision or under s. 627.6692, elected such coverage; and

(e) Who, if the individual elected such continuation provision, has exhausted such continuation coverage under such provision or program.

Section 9. Section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a *five-member* ~~three-member~~ board of directors *consisting of the Insurance Commissioner, or his or her designee, who shall serve as chairperson of the board, and four additional members who must be state residents. At least one member must be a representative of an authorized health insurer or health maintenance organization authorized to transact business in this state.* The board of directors shall be appointed by the Insurance Commissioner ~~as follows:~~

~~1. The chair of the board shall be the Insurance Commissioner or his or her designee.~~

~~2. One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.~~

~~3. One representative of insurers~~.

The administrator or his or her affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him or her at any time without cause.

(b) All board members, including the chair, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors *may* ~~shall have the power to~~ employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law. *Employees of the association shall be reimbursed as provided in s. 112.061 from moneys of the association for expenses incurred in carrying out their responsibilities under this act.*

(d) Board members may be reimbursed *as provided in s. 112.061* from moneys of the association for ~~actual and necessary~~ expenses incurred by them as members *in carrying out their responsibilities under the Florida Comprehensive Health Association Act*, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles, bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department. *Such plan shall be reviewed, revised as necessary, and annually submitted to the department for approval.*

(4) The association shall:

(a) Establish administrative and accounting procedures *and internal controls* for the operation of the association *and provide for an annual financial audit of the association by an independent certified public accountant licensed pursuant to chapter 473*.

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board. *Individuals receiving care through the association under contract from a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).*

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

~~(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.~~

(h)~~(i)~~ Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than *March 1* ~~October 1~~ of each year. The report shall summarize the activities of the plan for the *prior fiscal* ~~12-month period ending July 1 of that~~ year, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy ~~and recommendations concerning the opening of enrollment to new entrants as of July 1, 1992~~.

(i)~~(j)~~ Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.

(j)~~(k)~~ To facilitate preparation of assessments and for other purposes, the board shall *engage an independent certified public account licensed pursuant to chapter 473 to conduct an annual financial audit of the association* ~~direct preparation of annual audited financial statements~~ for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after *the issuance* ~~rendition~~ of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.

(k)~~(l)~~ Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care, with the administrator, of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual. *If cost-effective and available in the county where the policyholder resides, the association, upon application or renewal of a policy, may place an individual with the plan case manager, who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent or guardian, and the health care providers.*

(l) Administer the association in a fiscally responsible manner that ensures that its expenditures are reasonable in relation to the services provided and that the financial resources of the association are adequate to meet its obligations.

(m) At least annually, but no more than quarterly, evaluate or cause to be evaluated the actuarial soundness of the association. The association shall contract with an actuary to evaluate the pool of insureds in the association and monitor the financial condition of the association. The actuary shall determine the feasibility of enrolling new members in the association, which must be based on the projected revenues and expenses of the association.

(n) Restrict at any time the number of participants in the association based on a determination by the board that the revenues will be inadequate to fund new participants. However, any person denied participation solely on the basis of such restriction must be granted priority for participation in the succeeding period in which the association is reopened for participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. Except as provided in s. 627.6486(2)(j), applications for enrollment must be processed on a first-in, first-out basis.

(o) Establish procedures to maintain separate accounts and recordkeeping for policyholders prior to January 1, 2002, and policyholders issued coverage on and after January 1, 2002.

(p) Appoint an executive director to serve as the chief administrative and operational officer of the association and operate within the specifications of the plan of operation and perform other duties assigned to him or her by the board.

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable within 30 days *after* ~~of~~ receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment. *Such assessments may be levied only for costs and expenses associated with policyholders insured with the association prior to January 1, 2002.*

(d) Prepare or contract for a performance audit of the administrator of the association.

(e) Appear in its own behalf before boards, commissions, or other governmental agencies.

(f) Solicit and accept gifts, grants, loans, and other aid from any source or participate in any way in any government program to carry out the purposes of the Florida Comprehensive Health Association Act.

(g) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into the association on a fraudulent basis.

(h) Procure insurance against any loss in connection with the property, assets, and activities of the association or the board.

(i) Contract for necessary goods and services; employ necessary personnel; and engage the services of private consultants, actuaries, managers, legal counsel, and independent certified public accountants for administrative or technical assistance.

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 10. Paragraph (b) of subsection (3) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(3) The administrator shall:

(b) Pay an agent's referral fee as established by the board to each insurance agent who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of plans shall not be limited to the administrator or its agents. *Any agent must be licensed by the department to sell health insurance in this state.* The referral fees shall be paid by the administrator from moneys received as premiums for the plan.

Section 11. Section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. *Subsections (1), (2), and (3) apply only to the costs and expenses associated with policyholders insured with the association prior to January 1, 2002, including renewal of coverage for such policyholders after that date.* For operating losses incurred *in any calendar year* ~~on July 1, 1991, and thereafter~~, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.

(b) ~~For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter,~~ The total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.

~~(c) For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one-half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.~~

(c)~~(d)~~ All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3) Each insurer's assessment shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer. Any deficit incurred under the plan shall be recouped by assessments against participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the assessment in the normal course of their respective businesses without time limitation.

(4)(a) The costs and expenses of the association related to persons whose coverage begins after January 1, 2002, shall be funded by appropriations provided by law.

Section 12. Section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in *an annually* ~~a semiannually~~ renewable policy the coverage specified in this section for each eligible person. ~~For applications accepted on or after June 7, 1991, but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on June 7, 1991, shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.~~

~~(b) If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.~~

~~(c) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.~~

(b)~~(d)~~ The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.

(c)~~(e)~~ No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.

(2) BENEFITS.—

(a) *The plan must offer coverage to every eligible person subject to limitations set by the association. The coverage offered must pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4). The lifetime benefits limit for such coverage shall be $500,000. However, policyholders of association policies issued prior to 1992 are entitled to continued coverage at the benefit level established prior to January 1, 2002. Only the premium, deductible, and coinsurance amounts may be modified as determined necessary by the board.* ~~The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 110.123 except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of $500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.~~

(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.

(3) COVERED EXPENSES.—

(a) The board shall establish the coverage to be issued by the association.

(b) If the coverage is being issued to an eligible individual as defined in s. 627.6487, the individual shall be offered, at the option of the individual, the basic and the standard health benefit plan as established in s. 627.6699. ~~The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.~~

(4) PREMIUMS *AND*~~,~~ DEDUCTIBLES~~, AND COINSURANCE~~.—

~~(a)~~ The plan shall provide for annual deductibles for major medical expense coverage in the amount of $1,000 or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the *board* ~~association~~. ~~With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.~~

1. Separate schedules of premium rates based on age may apply for individual risks.

2. Rates are subject to approval by the department *pursuant to ss. 627.410 and 627.411, except as provided by this section. The board shall revise premium schedules annually, beginning January 2002.*

~~3. Standard risk rates for coverages issued by the association shall be established by the department, pursuant to s. 627.6675(3).~~

3.~~4.~~ The board shall *establish three premium schedules based upon an individual's family income:*

a. Schedule A is applicable to an individual whose family income exceeds the allowable amount for determining eligibility under the Medicaid program, up to and including 200 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 150 percent of the standard risk rate.

b. Schedule B is applicable to an individual whose family income exceeds 200 percent but is less than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 250 percent of the standard risk rate.

c. Schedule C is applicable to an individual whose family income is equal to or greater than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 300 percent of the standard risk rate. ~~establish separate premium schedules for low-risk individuals, medium-risk individuals, and high-risk individuals and shall revise premium schedules annually beginning January 1999.~~

4. The standard risk rate shall be determined by the department pursuant to s. 627.6675(3). The rate shall be adjusted for benefit differences. ~~No rate shall exceed 200 percent of the standard risk rate for low-risk individuals, 225 percent of the standard risk rate for medium-risk individuals, or 250 percent of the standard risk rate for high-risk individuals. For the purpose of determining what constitutes a low-risk individual, medium-risk individual, or high-risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.~~

~~(b) If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay in the following manner:~~

~~1. For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.~~

~~2. For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.~~

~~3. If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first $10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.~~

(5) PREEXISTING CONDITIONS.—An association policy *shall* ~~may~~ contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:

(a) The condition manifested itself within a period of 6 months before the effective date of coverage; or

(b) Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.

This subsection does not apply to an eligible individual as defined in s. 627.6487.

(6) OTHER SOURCES PRIMARY.—

(a) No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfac-

tion of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

(7) NONENTITLEMENT.—The Florida Comprehensive Health Association Act does not provide an individual with an entitlement to health care services or health insurance. A cause of action does not arise against the state, the board, or the association for failure to make health services or health insurance available under the Florida Comprehensive Health Association Act.

Section 13. *The Legislature finds that the provisions of this act fulfill an important state interest.*

Section 14. *The amendments in this act to section 627.6487(3), Florida Statutes, shall not take effect unless the Health Care Financing Administration of the U.S. Department of Health and Human Services approves this act as providing an acceptable alternative mechanism, as provided in the Public Health Service Act.*

Section 15. *Effective January 1, 2002, section 627.6484, Florida Statutes, is repealed.*

Section 16. Subsection (9) is added to section 627.6515, Florida Statutes, to read:

627.6515 Out-of-state groups.—

(9) Notwithstanding any other provision of this section, any group health insurance policy or group certificate for health insurance, as described in s. 627.6561(5)(a)2., which is issued to a resident of this state and requires individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual shall be considered a policy issued on an individual basis and is subject to and must comply with the Florida Insurance Code in the same manner as individual insurance policies issued in this state.

Section 17. Paragraphs (i), (m), and (n) of subsection (3), paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (12), and paragraph (a) of subsection (15) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(i) "Established geographic area" means the county or counties~~, or any portion of a county or counties,~~ within which the carrier provides or arranges for health care services to be available to its insureds, members, or subscribers.

(m) "Limited benefit policy or contract" means a policy or contract that provides coverage for each person insured under the policy for a specifically named disease or diseases *or*~~,~~ a specifically named accident~~,~~ or ~~a specifically named limited market~~ that fulfills *a* ~~an experimental or~~ reasonable need *by providing more affordable health insurance*~~, such as the small group market~~.

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population; allows the use of separate rating factors for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j); and allows adjustments for: claims experience, health status, or *credits based on the* duration *that the* ~~of~~ coverage *has been in force* as permitted under *subparagraph (6)(b)6.* ~~subparagraph (6)(b)5.~~; and administrative and acquisition expenses as permitted under subparagraph (6)(b)5. *A carrier may separate the experience of small employer groups with less than two eligible employees from the experience of small employer groups with two through 50 eligible employees.*

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) and in which the premium may be adjusted as permitted by subparagraphs 5.*,* ~~and~~ 6.*, and 7.*

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. If the modified community rate is determined from two experience pools as authorized by paragraph (5)(n), the rate to be charged to small employer groups of less than two eligible employees may not exceed 150 percent of the rate determined for groups of two through 50 eligible employees; however, the carrier may charge excess losses of the less-than-two-eligible-employee experience pool to the experience pool of the two through 50 eligible employees so that all losses are allocated and the 150-percent rate limit on the less-than-two-eligible-employee experience pool is maintained. Notwithstanding the provisions of s. 627.411(1)(e)4. and (3), the rate to be charged to a small employer group of fewer than 2 eligible employees insured as of July 1, 2001, may be up to 125 percent of the rate determined for groups of 2 through 50 eligible employees for the first annual renewal and 150 percent for subsequent annual renewals.

4.~~3.~~ Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy if:

a. The carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal and the fact that the premium may increase on or after that date.

b. The insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

5.~~4.~~ A carrier may issue a group health insurance policy to a small employer health alliance or other group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the alliance or group association if such expense savings are specifically documented in the insurer's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of any person covered under the policy. Nothing in this subparagraph exempts an alliance or group association from licensure for any activities that require licensure under the insurance code. A carrier issuing a group health insurance policy to a small employer health alliance or other group association shall allow any properly licensed and appointed agent of that carrier to market and sell the small employer health alliance or other group association policy. Such agent shall be paid the usual and customary commission paid to any agent selling the policy.

6.~~5.~~ Any adjustments in rates for claims experience, health status, or *credits based on the* duration of coverage may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or *credits based on the* duration of coverage of the employees or dependents of the small employer. Semiannually, small group carriers shall report information on forms adopted by rule by the department, to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged by application of the carrier's approved modified community rates. If the aggregate resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate

by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments only to minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed the premium that would have been charged by application of the approved modified community rate by 5 percent, the carrier may apply both plus and minus adjustments. A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

7.~~6.~~ A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and for three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

8.~~7.~~ Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph, a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

(12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT PLANS.—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment.

2. The plans shall comply with all of the requirements of this subsection.

3. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

4. Before October 1, 2001, and in every 4th year thereafter, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to determine whether modifications to a plan might be appropriate and to submit recommended modifications to the department for approval. Such determination shall be based upon prevailing industry standards regarding managed care and cost-containment provisions and shall be for the purpose of ensuring that the benefit plans offered to small employers on a guaranteed-issue basis are consistent with the low to mid-priced benefit plans offered in the large-group market. This determination shall be included in a report submitted to the President of the Senate and the Speaker of the House of Representatives annually by October 1. ~~After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.~~

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract for any small employer, the small employer carrier shall *disclose in writing to the employer* ~~provide such employer group with a written statement that contains, at a minimum~~:

~~a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

a.~~b.~~ An *outline of coverage* ~~explanation of the managed care and cost control features of the policy or contract~~, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information ~~or authorization~~; ~~and~~

b.~~c. An explanation of~~ The primary and preventive care features of the policy or contract*; and*~~.~~

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

~~2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

~~a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

c.~~b. Acknowledges~~ The limited nature of the coverage and *the* ~~an understanding of the managed care and~~ cost control features of the policy or contract.~~;~~

~~c. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

2.~~d.~~ If a limited plan is requested, *the prospective policyholder must acknowledge in writing* ~~acknowledges~~ that *he or she* ~~the prospective policyholder~~ had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

~~3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.~~4.~~ Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

4. The contract, policy, and certificates evidencing coverage under a limited benefit policy or contract and the application for coverage under such plans must state in not less than 10-point type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."

(d)~~(e)~~ A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the insurer has filed it with the department and the department has approved it under ss. *627.31,* 627.410, 627.4106, and 627.411.

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a limited benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. *A law restricting or limiting deductibles, copayments, or annual or lifetime maximum payments does not apply to a limited benefit policy or contract offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. A limited benefit policy or contract that is offered or delivered to a small employer may also be offered or delivered to an employer having 51 or more eligible employees. Any covered disease or condition may be treated by any physician, without discrimination, licensed or certified to treat the disease or condition.*

Section 18. Section 627.9408, Florida Statutes, is amended to read:

627.9408 Rules.—

(1) The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to *administer* ~~implement the provisions of~~ this part.

(2) The department may adopt by rule the provisions of the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners in the second quarter of the year 2000 which are not in conflict with the Florida Insurance Code.

Section 19. Paragraphs (b) and (d) of subsection (3) of section 641.31, Florida Statutes, are amended, and paragraph (f) is added to that subsection, to read:

641.31 Health maintenance contracts.—

(3)

(b) Any change in the rate is subject to paragraph (d) and requires at least 30 days' advance written notice to the subscriber. In the case of a group member, there may be a contractual agreement with the health maintenance organization to have the employer provide the required notice to the individual members of the group. *This paragraph does not apply to a group contract covering 51 or more persons unless the rate is for any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(d) Any change in rates charged for the contract must be filed with the department not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by ~~order of~~ the department *pursuant to s. 627.411*. The approval of the filing by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved.

(f) A health maintenance organization with fewer than 1,000 covered subscribers under all individual or group contracts, at the time of a rate filing, may file for an annual rate increase limited to annual medical trend, as adopted by the department. The filing is in lieu of the actuarial memorandum otherwise required for the rate filing. The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.

Section 20. *Contingent upon the passage of CS/CS/SB 2214, or similar legislation, beginning July 1, 2001, $10 million of the funds collected from subscribing participating manufacturers and the public health tobacco equity surcharge imposed by s. 210.0221 shall be transferred from the Tobacco Settlement Clearing Trust Fund to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. The appropriation made by this section shall not be made if the same appropriation is made by CS/CS/SB 2214 or similar legislation.*

Section 21. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; providing that funding for coverage for certain persons shall be provided by appropriations as provided by law; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group

health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an appropriation contingent upon passage of other legislation; providing an effective date.

On motion by Senator Latvala, **CS for HB 1253** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Lawson

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **HB 1717** was passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Crist	Lee	Sebesta
Bronson	Dawson	Meek	Silver
Brown-Waite	Dyer	Miller	Sullivan
Burt	Geller	Peaden	Villalobos
Campbell	Holzendorf	Posey	Wasserman Schultz
Carlton	Horne	Pruitt	Webster
Clary	Klein	Sanderson	
Cowin	Latvala	Saunders	

Nays—2

Laurent	Mitchell

Vote after roll call:

Yea—Diaz de la Portilla, King

The Senate resumed consideration of—

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions;

amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—which was previously considered this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (510902)** as amended was adopted May 3.

Senator Bronson moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1R (831726)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *The sum of $650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of $650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation by the General Appropriations Act shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority by the General Appropriations Act shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The committee recognizes the value of*

input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

Senator Horne moved the following amendment to **Amendment 1** which failed:

Amendment 1S (934606)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *Notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, the Department of Transportation may use funds for arterial highway construction as appropriated in Specific Appropriation 2022 for all projects including Leon County, whether or not the contingency provided in that specific appropriation is met.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: providing that certain funds may be used for arterial highway construction whether or not certain contingencies are met;

The vote was:

Yeas—13

Brown-Waite	Dyer	Peaden	Saunders
Burt	Miller	Posey	Sullivan
Clary	Mitchell	Rossin	Wasserman Schultz
Diaz de la Portilla			

Nays—16

Mr. President	Geller	Latvala	Sanderson
Cowin	Holzendorf	Laurent	Sebesta
Crist	Jones	Meek	Silver
Garcia	King	Pruitt	Villalobos

Vote after roll call:

Yea to Nay—Posey

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **CS for CS for HB 1053** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Holzendorf

Vote after roll call:

Yea—Lawson

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1861.

John B. Phelps, Clerk

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Brown-Waite, **HB 1861** was returned to the House as requested.

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the "Seal of Best Financial Management"; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—with pending **Amendment 1 (161930)** by Senator Horne and **Amendment 1A (470776)** by Senator Peaden. Pending **Amendment 1A** was withdrawn.

Senator Peaden moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1B (474472)(with title amendment)—On page 17, between lines 5 and 6, insert:

Section 11. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) "Educational facility" means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code*, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state's system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 228*. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 12. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) AUTHORIZATION.—The creation of charter schools is hereby authorized. Charter schools shall be part of the state's program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. *A public school may not use the term charter in its name unless it has been approved under this section.*

(2) PURPOSE.—The purpose of charter schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

(i) Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

(j) Provide additional academic choices for parents and students.

(k) Expand the capacity of the public school system.

(3) APPLICATION; UNLAWFUL REPRISAL.—

(a)*1.* An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

2. The district school board or the principal, teachers, parents, and/or the school advisory council at an existing public school *that has been in operation for at least 2 years prior to the application to convert*, including a public school-within-a-school that is designated as a school by the district school board, shall submit any application for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. *A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 30 days after the meeting at which the school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons.* A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint

for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. *A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.*

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the department must include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup must *commence* ~~be consistent~~ with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after *receipt of* the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after *receipt of notice of the specific reasons for the school board's denial of the charter application* ~~the school board denial~~. The state board shall remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application *and for any dispute relating to the approved charter*, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(i) A charter school shall be exempt from the sponsor's policies.

(5) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(6)~~(5)~~ NUMBER OF SCHOOLS.—

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(7)~~(6)~~ ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace *or charter school-in-a-municipality* established pursuant to subsection (22).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards must be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools which has been approved by the sponsor.

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(f) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.

(8)~~(7)~~ LEGAL ENTITY.—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(9)~~(8)~~ REQUIREMENTS.—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system*:*

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"*; or*~~.~~

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(j) The governing board of the charter school shall annually adopt and maintain an operating budget.

(10)~~(9)~~ CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed*, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance. This must include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.*

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

d. The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. *Included in the methods is a means for ensuring accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs.* Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services *and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included.* Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. *A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and* the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers *and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.*

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(d) The governing body of the charter school shall *exercise continuing oversight over charter school operations and* make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

(11)~~(10)~~ CAUSES FOR NONRENEWAL OR TERMINATION.—

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

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

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

3. Violation of law.

4. Other good cause shown.

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

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

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. *The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (4).*

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

(f) If a charter is not renewed or is terminated, the *charter school* ~~governing body of the school~~ is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

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

(12)~~(11)~~ EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to student health, safety, and welfare; or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. The *charter school's governing board* ~~sponsor, upon request of a charter school,~~ may apply to the Commissioner of Education for a waiver of provisions of chapters 230-239 which are applicable to charter schools under this section, except that the provisions of chapter 236 or chapter 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. *The Commissioner of Education must confirm receipt of a waiver request from a charter school by providing a copy of the request to the sponsor.* The commissioner may grant the waiver if necessary to implement the school program *and shall provide notice of the final dispensation of the waiver request to the charter school governing board and the charter school's sponsor*.

(13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not *knowingly* employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02.

(14)~~(13)~~ REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment. *All charter schools submitting student record information required by the Department of Education shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.*

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b) *not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law*. The sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(g) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. *The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.*

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(15)~~(14)~~ IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(16)~~(15)~~ LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(17)~~(16)~~ FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(18)~~(17)~~ INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(19)~~(18)~~ INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(20)~~(19)~~ GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(21)~~(20)~~ REVIEW.—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(22)~~(21)~~ RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

(23)~~(22)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE*, CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY*.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, *to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools,* and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms "business partner," "employer," "developer," or "municipality" may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 13. Subsection (1) of section 228.0561, Florida Statutes, is amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge *or if it is directly or indirectly operated by the school district*. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. *The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys.* ~~Sixty percent of the funds shall be distributed after the second enrollment survey, and the balance shall be distributed after the third enrollment survey. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment.~~ The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 14. Paragraph (d) is added to subsection (3) of section 232.425, Florida Statutes, to read:

232.425 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(3)

(d) An individual charter school student pursuant to s. 228.056 is eligible to participate at the public school to which the student would be assigned according to district school attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 19, line 24, after the second semicolon (;) insert: amending s. 159.27, F.S.; redefining the term "educational facility" for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; permitting

a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 269** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Holzendorf

Vote after roll call:

Yea—Lawson

CS for SB 910—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator King, **CS for SB 910** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lawson, Webster

On motion by Senator Sanderson, by two-thirds vote **CS for HB 19** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 19—A bill to be entitled An act relating to housing; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the maximum amount of revenue bonds that may be issued by the Florida Housing Finance Corporation under said program; amending s. 420.5088, F.S.; revising eligibility requirements for certain loans under the Florida Homeownership Assistance Program; amending s. 420.503, F.S.; revising the definitions of "elderly" and "housing for the elderly" under the Florida Housing Finance Corporation Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from the Fair Housing Act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 294** and read the second time by title. On motion by Senator Sanderson, by two-thirds vote **CS for HB 19** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 348—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising

language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—as amended May 3 was read the third time by title.

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

Amendment 1 (285314)(with title amendment)—On page 53, between lines 15 and 16, insert:

Section 30. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 31. Section 548.015, Florida Statutes, is created to read:

548.015 Concessionaires; security.—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 32. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; *powers;* organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for *referees and other* officials appointed by the commission *or the representative of the commission*.

Section 33. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 34. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire,* or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)~~(1)~~ Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)~~(2)~~ Be verified by the applicant.

(c)~~(3)~~ Be complete and have attached to the application any photographs and other exhibits required.

(2)~~(4)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misde-

meanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 37. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person *or business entity that* ~~who in any jurisdiction~~ has been convicted of any act*, or who has a trustee, partner, officer, director, or owner that has been convicted of any act,* which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person *or business entity that* ~~who~~ has been named in *any* ~~an~~ information or indictment*, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment,* for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 38. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 39. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 40. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission*, or the commission representative,* shall assign to each match *at least one* ~~a~~ physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative* ~~deputy~~ in charge and the referee of the participants' conditions before*,* ~~and~~ during*, and after* the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in deter-*

mining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 41. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than *$20,000* ~~$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than *$20,000* ~~$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 42. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers* ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing *and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 43. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges*; attendance* at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 44. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 45. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue* subpoenas.—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569.* ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 46. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines*; citations*.—

(1) The commission may impose a fine of not more than $5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 47. *Section 548.045, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 18, after the semicolon (;) insert: amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council;

Senator Campbell moved the following amendment:

Amendment 2 (493372)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board *of Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

9.~~10.~~ Board of Landscape Architecture, created under part II of chapter 481.

10.~~11.~~ Board of Pilot Commissioners, created under chapter 310.

11.~~12.~~ Board of Professional Engineers, created under chapter 471.

12.~~13.~~ Board of Professional Geologists, created under chapter 492.

13.~~14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

14.~~15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or* fewer ~~than five~~ members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter* ~~Sections 326.001-326.006~~ may be cited as the "Yacht and Ship Brokers' Act."

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter* ~~ss. 326.001-326.006~~, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) *"Department"* ~~"Division"~~ means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The *department* ~~division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter* ~~ss. 326.001-326.006~~.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter* ~~ss. 326.001-326.006~~ against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The *department* ~~division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The *department* ~~division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed $500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the *department* ~~division~~ in *this chapter* ~~ss. 326.001-326.006~~.

(6) The *department* ~~division~~ may deny a license *or license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the *department* ~~division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the *department* ~~division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of $25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department* ~~division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department* ~~division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter* ~~ss. 326.001-326.006~~. When the *department* ~~division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department* ~~division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department* ~~division~~ a bond or equivalent securities in the sum of $10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter* ~~ss. 326.001-326.006~~ which results in any action being commenced on the bond or letter of credit, the *department* ~~division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department* ~~division~~ that it is no longer the surety for a licensee, the *department* ~~division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department* ~~division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license

must be maintained for each branch office. The *department* ~~division~~ shall establish by rule a fee not to exceed $100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department* ~~division~~ for cancellation.

(15) The *department* ~~division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement *and the Federal Bureau of Investigation conduct* ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department* ~~division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may* ~~division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department* ~~division~~ has the following powers and duties:

(a) The *department* ~~division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department* ~~division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the *department* ~~division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department* ~~division director~~ or any officer or employee designated by the *secretary* ~~division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department* ~~investigating officer~~ and upon reasonable notice to all persons affected thereby, the *department* ~~division~~ may apply to the circuit court for an order compelling compliance*, may impose a civil penalty, and may suspend or revoke the licensee's license*.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department* ~~division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department* ~~division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department* ~~division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department* ~~division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department* ~~division~~ will carry out the purposes of this chapter.

3. The *department* ~~division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department* ~~division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the *department* ~~division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the *department* ~~division~~ must be brought in the county in which the *department* ~~division~~ has its executive offices or in the county where the violation occurred.

(e) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect*. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) *"Registration"* ~~"License"~~ means a *registration* ~~license~~ issued by the department ~~of Business and Professional Regulation~~ to carry on the business of a talent agency under this part.

(11) *"Registrant"* ~~"Licensee"~~ means a talent agency *that* ~~which~~ holds a valid unrevoked and unforfeited *registration* ~~license~~ issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency* ~~Duties of the department; authority to issue and revoke license~~; adoption of rules.—

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has~~:

(a) Obtained or attempted to obtain *a registration* ~~any license~~ by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of~~ law.

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department~~.

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department~~.

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with ~~another licensee or with~~ any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

(2)~~(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this part.

(3)~~(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

(4)~~(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may ~~take the following actions~~:

(a) Deny an application for *registration* ~~licensure~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c) Impose an administrative fine, not to exceed $5,000, for each count or separate offense.~~

~~(d) Require restitution.~~

~~(e) Issue a public reprimand.~~

~~(f) Place the licensee on probation, subject to such conditions as the department may specify.~~

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

(5)~~(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed $300~~, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant~~. Each application for a change of

operator must be accompanied by an application fee of $150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)~~(4)~~ Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)~~(c)~~ The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)~~(6)~~ If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)~~(7)~~ If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* ~~licensee's~~ office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)~~(9)~~ If any information in the application supplied to the department by the applicant or *registrant* ~~licensee~~ changes in any manner whatsoever, the applicant or *registrant* ~~licensee~~ shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* ~~licensee~~.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration* ~~License~~; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* ~~licensing~~, renewal of *registration* ~~license~~, and reinstatement of *registration* ~~license~~, none of which fees shall exceed $400. The department may by rule establish a delinquency fee of no more than $50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* ~~regulation~~ of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* ~~license~~ has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* ~~licensee's~~ good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* ~~license~~ shall be valid to protect any business transacted under any name other than that designated *on* ~~in~~ the *registration* ~~license~~, unless consent is first obtained from the department~~, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department,~~ and unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes. A charge of $25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* ~~license~~ issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* ~~applicant for a license~~ shall *maintain and provide to its artists or potential clients* ~~file with the application~~ an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by *notifying its artists* ~~filing with the department an amended or supplemental schedule~~ at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration* ~~License~~; content; posting.—

(1) The talent agency *registration* ~~license~~ shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* ~~license~~, the full names and titles of the owner and the operator, and the number of the *registration* ~~license~~.

(2) The talent agency *registration* ~~license~~ shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* ~~licensee~~ desires to cancel his or her *registration* ~~license~~, he or she must notify the department and forthwith return to the department the *registration* ~~license~~ so canceled. No *registration* ~~license~~ fee may be refunded upon cancellation of the *registration* ~~license~~.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with* ~~regulated by~~ the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency *requirements* ~~regulations~~.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.~~; and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)~~(4)~~ Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part~~. The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)~~(5)~~ No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)~~(6)~~ No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* ~~licensed~~ name, department *registration* ~~license~~ number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)~~(7)~~ No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)~~(8)~~ No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)~~(9)~~ If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)~~(10)~~ Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* ~~license~~ by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* ~~license~~, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and~~ unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a *registration* ~~license~~ issued under this part.

(c) Failing to show on a *registration* ~~license~~ application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department~~, and which lists the address and telephone number of the department~~.

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or* subsection (2), suspend or revoke the *registration* ~~license~~ of any *person* ~~licensee~~ under this part who has been found guilty of any *violation of subsection (1) or* ~~misdemeanor listed in~~ subsection (2).

(4) *If a* ~~In the event the department or any~~ state attorney *finds* ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of subsection (1) *or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed $1,000~~.

(5) Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed $5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines,~~ fees~~, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a *registered* ~~licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency *registration* ~~license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future *registration* ~~licensure~~ as owner or operator of a Florida talent agency.

Section 22. *Sections 468.405 and 468.408, Florida Statutes, are repealed.*

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)*1.* A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, *the forms* ~~a form~~ of *seals* ~~seal~~ to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one* ~~an impression-type metal~~ seal in the form *approved by board rule* ~~aforesaid~~ and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter* ~~ss. 472.001-472.041~~.

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions* ~~Persons not affected by ss. 472.001-472.041~~.—*This chapter does* ~~Sections 472.001-472.041 do~~ not apply to:

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter* ~~the provisions of ss. 472.001-472.041~~.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)~~(a) and (b)~~.

(5)(a) Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

(b) Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.

(c) Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter* ~~ss. 472.001-472.041~~:

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) "Department" means the Department of Business and Professional Regulation.

(3) "Surveyor and mapper" includes the term "professional surveyor and mapper" and means a person who is registered to engage in the practice of surveying and mapping under *this chapter* ~~ss. 472.001-472.041~~. For the purposes of this *subsection* ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) "Practice of surveying and mapping" means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ "Surveyor and mapper intern" includes ~~the term~~ "surveyor-mapper-in-training" and means a person who complies with the requirements *of this chapter* ~~provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ "Responsible charge" means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scriber, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ "License" means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) "Photogrammetric mapper" means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(10) "Subordinate" means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) "Monument" means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) "Legal entity" means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and recordkeeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement *this chapter* ~~ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of *this chapter* ~~ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under *this chapter* ~~ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of *this chapter* ~~ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by *this chapter* ~~ss. 472.001-472.041,~~ and~~,~~ further~~,~~ provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of *this chapter* ~~ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 *Authorization* ~~Surveyors and mappers authorized~~ to enter lands of third parties*;* ~~under certain~~ conditions.—Surveyors and mappers *and their subordinates* may go on, over, and upon the lands of others when necessary to make surveys and maps *or to search for, uncover, locate, or set monuments*, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their *subordinates and* duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry *as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.*~~;~~ However, this section does not

give authority to registrants, *subordinates,* agents, or employees to destroy, injure, damage, or *otherwise* move *any physical improvements* ~~anything~~ on lands of another without the written permission of the landowner. *No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.*

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers*,* ~~and~~ surveyors and mappers*, and other persons* authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of *chapter* ~~ss. 472.001-472.041~~.—

(1) Nothing contained in *this chapter* ~~ss. 472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of *this chapter* ~~ss. 472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of *this chapter* ~~ss. 472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in *this chapter* ~~ss. 472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This *chapter* ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this *chapter* ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board *of Barbering and Cosmetology*.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board *of Barbering and Cosmetology*.—

(1) There is created within the department the ~~Barbers'~~ Board *of Barbering and Cosmetology*, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) *Two* ~~Five~~ members of the board *must* ~~shall~~ be *licensed* barbers who have practiced ~~the occupation of~~ barbering in this state for at least 5 years. *Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years.* The remaining *member must* ~~two members of the board shall~~ be *a resident* ~~citizens~~ of the state who *is* ~~are~~ not presently *a* licensed *barber or cosmetologist* ~~barbers~~. No person *may* ~~shall~~ be appointed to the board who is ~~in any way~~ connected with the manufacture, rental, or wholesale distribution of barber *or cosmetology* equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person *may* ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive *$50 per day, up to a maximum of $2,000 per year, for time spent on board business, plus* per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)~~(6)~~ Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may be~~ necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers *or cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

~~(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)~~(4)~~ The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) "Board" means the Board of *Barbering and* Cosmetology.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers' Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers' Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers' Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) *The board shall by rule establish criteria for the approval of continuing education courses and providers.* ~~The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

(d) The board shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.

(e) Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course

criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee's understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed $25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed $50.

(d) For specialists, fees for application and endorsement registration shall not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed $50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for *initial* registration*, registration renewal, and delinquent renewal* shall not exceed $25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States~~, including those schools and colleges accredited by the National Architectural Accreditation Board~~; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties*; injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of *16* ~~18~~ members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a* ~~Two are~~ consumer *member* ~~members~~ who *is* ~~are~~ not, and *has* ~~have~~ never been, *a member* ~~members~~ or *practitioner* ~~practitioners~~ of a profession regulated by the board or *a member* ~~members~~ of any closely related profession; and

(k) *One is a* ~~Two are~~ building *official* ~~officials~~ of a municipality or county.

(l) On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j);~~ and ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; *and* ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(j)~~; and one of the members appointed pursuant to paragraph (2)(k)~~. Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. *Contractors defined in s. 489.105(3)(a)-(c)* ~~Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).*

Section 60. *Subsection (6) of section 489.507, Florida Statutes, is repealed.*

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by $25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and* ~~applying for certification~~ who~~:~~

~~(a)~~ meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521.~~; or~~

~~(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.—

~~(1) There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

~~(2)~~ All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund *to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.* The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter ~~and the provisions of law with respect to each category of business covered by this trust fund. The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20~~.

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to $10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation;~~ mandatory nonbinding arbitration *and mediation; local resolution; exemptions*; legislative findings.—

(1) *APPLICABILITY* ~~DEFINITIONS~~.—

(a) The provisions of subsection (3) apply to ~~As used in this section, the term "dispute" means~~ any disagreement between two or more parties that involves~~:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b)~~ the failure of a governing body, when required by this chapter or an association document, to~~:~~

~~1.~~ properly conduct elections *or to recall a board member*.

(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto; or

b. Alter or add to a common area or element.

2. The failure of a governing body, when required by this chapter or an association document, to:

a.~~2.~~ Give adequate notice of meetings or other actions*;*~~.~~

b.~~3.~~ Properly conduct meetings*; or*~~.~~

c.~~4.~~ Allow inspection of books and records.

~~"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

(2)~~(3)~~ LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who

must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)~~(4)~~ MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall *provide* ~~employ full-time attorneys to act as~~ arbitrators to conduct the arbitration hearings *as required* ~~provided~~ by this chapter. The *department may employ attorneys to act as arbitrators, and the* division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this *chapter* ~~section~~. No person may be employed by the department as *an* ~~a full-time~~ arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) *The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose* ~~Upon referral of a case to mediation~~, *or* the parties *may agree on* ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator *or the division*, the arbitrator *or the division* shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator *or the division may* ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. *The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.* The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the *case was referred to mediation by an arbitrator and the* ~~mediator declares an impasse after a~~ mediation conference *ends in an impasse* ~~has been held~~, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. *If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.* The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.

(4) EXEMPTIONS.—A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:

(a) Title to any unit or common element;

(b) The interpretation or enforcement of any warranty;

(c) The levy of a fee or assessment or the collection of an assessment levied against a party;

(d) The eviction or other removal of a tenant from a unit;

(e) Alleged breaches of fiduciary duty by one or more directors; or

(f) Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(5) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and $440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the

basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for

recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from

the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—

(1) There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including

extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer) .

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, (Tallahassee address and telephone number of division) .

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall provide for alternative dispute resolution in accordance with s. 718.1255.

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become

effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of $4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 719.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without

amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: __(name and address of developer)__.

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, __(Tallahassee address and telephone number of division)__.

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and managing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, not to exceed $50,000 annually, to support the projects and proposals undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part *for the obligor*. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)*1.* A successor registered agent is appointed *by the resigning registered agent* and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1)*; or*~~.~~

2. The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a ~~The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the~~ successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association *of the timeshare plan* as to the assessment lien; and

(c)*1. If a successor registered agent is appointed under subparagraph (b)1.,* copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected

obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders*; or*~~.~~

2. If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.

(6) If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.

(8) If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed $5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

(a) The name and address of the condemning authority.

(b) A written or visual description of the property.

(c) The public purpose for which the property is needed.

(d) The appraisal value of the property.

(e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.

(f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund established pursuant to s. *718.509* ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

(c)~~(d)~~ Has completed the application form and remitted an application fee not to exceed $500, ~~an examination fee not to exceed the actual cost for the examination plus $500,~~ an active licensure fee not to exceed $2,000, and all other applicable fees provided for in this part or in chapter 455.

(d)~~(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)~~(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a $15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

(2) An agent contract must state:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.

(6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.

(8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(9) A student-athlete may not waive the right to cancel an agent contract.

(10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point boldfaced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

(11)~~(6)~~ An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.

(12)~~(7)~~ An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227*, and an administrative fine not to exceed $25,000 for each separate offense*. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;

2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;

3. Provide materially false or misleading information in an application for licensure;

4. Predate or postdate an agent contract;

5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) This part does not restrict rights, remedies, or defenses of any person under law or equity.

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) An athlete agent ~~who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least *5* ~~4~~ years from the date of entry. *These records must include, but shall not be limited to:*

(a) The name and address of each individual represented by the athlete agent;

(b) Any agent contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.

Section 116. *Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If *a* ~~the~~ declaration *recorded on or after July 1, 2000, for a condominium operated by a multicondominium association,* as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number

"one" and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein,* may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted *pursuant to the provisions contained therein* ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, ~~lease,~~ or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of* ~~cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed *by the association* or received ~~by the association~~ from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws,* the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein,* may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000,* ~~if~~ the declaration for each condominium ~~to be~~ operated by that association *shall provide* ~~provides~~ for participation in a multicondominium, in conformity with this section, and *disclose* ~~discloses~~ or *describe* ~~describes~~:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the

owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, ~~AND~~ RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~ IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, *AND* RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If *a* ~~the~~ condominium *created on or after July 1, 2000,* is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 Concessionaires; security.—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; *powers;* organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for *referees and other* officials appointed by the commission *or the representative of the commission*.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire,* or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)~~(1)~~ Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)~~(2)~~ Be verified by the applicant.

(c)~~(3)~~ Be complete and have attached to the application any photographs and other exhibits required.

(2)~~(4)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person *or business entity that* ~~who in any jurisdiction~~ has been convicted of any act*, or who has a trustee, partner, officer, director, or owner that has been convicted of any act,* which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person *or business entity that* ~~who~~ has been named in *any* ~~an~~ information or indictment*, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment,* for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission*, or the commission representative,* shall assign to each match *at least one* ~~a~~ physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative* ~~deputy~~ in charge and the referee of the participants' conditions before*,* ~~and~~ during*, and after* the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.*

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is

adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than *$20,000* ~~$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than *$20,000* ~~$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers* ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing *and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges*; attendance* at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue* subpoenas.—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569.* ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines*; citations*.—

(1) The commission may impose a fine of not more than $5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. *Section 548.045, Florida Statutes, is repealed.*

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. *Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation.* The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. *A board or profession regulated by the department may autho-*

rize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 148. Section 399.001, Florida Statutes, is created to read:

399.001 Short title and purpose.—This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 149. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the *vertical conveyance* ~~equipment~~ other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance* ~~elevator~~.

(3) "Certificate of operation" means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) ~~(4)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) ~~(5)~~ "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the Secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

~~(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

(12)~~(7)~~ "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests *such as* on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Eleva-

tor Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of $50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of $50.

All other building transportation terms are defined in the current Florida Building Code.

Section 150. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The *Elevator Safety Technical Advisory Committee* ~~division~~ shall develop and submit to the *Division of Hotels and Restaurants recommendations regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1.* Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)~~(3)~~ Each elevator shall have a serial number assigned by the *department* ~~division~~ painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)~~(4)~~(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the *department* ~~division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the *department* ~~division~~ requires. The *department* ~~division~~ shall keep the names of companies with whom the contract exists

confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the *department* ~~division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The *department* ~~division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

(6)~~(5)~~ The *department* ~~division~~ is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code ~~which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety~~.

(7)~~(6)~~ The *Elevator Safety Technical Advisory Committee* ~~division~~ shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, *ASME A18.1,* or other related model codes and amendments thereto, *concurrent with the update of the Florida Building Code* and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.

Section 151. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of *conveyances* ~~elevators~~.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) ~~(1)~~ Each elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) ~~(2)~~ Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) ~~(3)~~ When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code *or Elevator Safety Code* that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 152. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to $1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) DISCIPLINARY ACTION.—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 153. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division,* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every 2 years by*

a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for a routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 154. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The *department* ~~division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The *department* ~~division~~ shall charge an annual fee for issuance of a certificate of operation *in amount to be set by rule*. ~~The fee must be set by rule in an amount not to exceed $100 for an elevator not covered by a service maintenance contract or $50 for an elevator covered by a service maintenance contract~~. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of $50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The *department* ~~division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the *department* ~~division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The *department* ~~division~~ shall charge a fee, set by rule in an amount not greater than $100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The *department* ~~division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the *department* ~~division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 155. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the *department* ~~division~~ to enforce the provisions of this chapter. The *department* ~~division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 156. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the *department* ~~division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the *department* ~~division~~ the permit or certificate is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than *$1,000* ~~$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the *department* ~~division~~ in an amount not to exceed *$1,000* ~~$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 157. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Business and Professional Regulation, Division of Hotels and Restaurants, consisting of seven members to be appointed

by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.

(3) The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.

(4) The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.

Section 158. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the *department* ~~division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* ~~a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 159. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents *or incidents*; penalties.—Within 5 working days after any accident *or incident* occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder* ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject~~ to an administrative fine, to be imposed by the division, in an amount not to exceed *$1,000* ~~$500~~.

Section 160. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The *department* ~~division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the *department* ~~division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the *department* ~~division~~; and may include such other provisions as the *department* ~~division~~ deems necessary.

(2) The *department* ~~division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the *department* ~~division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 161. *Sections 399.045 and 399.05, Florida Statutes, are repealed.*

Section 162. *Sections 162-164 of this act may be cited as the "Debbie Wasserman Schultz Act."*

Section 163. *Greyhound adoptions.—*

(1) Each dogracing permitholder operating a dogracing facility in this state shall provide for a greyhound-adoption booth to be located at the facility. The greyhound-adoption booth must be operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to section 550.1647, Florida Statutes. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. In addition, the kennel operator or owner shall notify the permitholder that a greyhound is available for adoption and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the dogracing facility. Any greyhound that is participating in a race and that will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound-adoption program.

(2) In addition to the charity days authorized under section 550.0351, Florida Statutes, a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as "Greyhound Adopt-A-Pet Day." All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in section 550.1647, Florida Statutes.

(3)(a) Upon a violation of this section by a permitholder or licensee, the division may impose a penalty as provided in section 550.0251(10), Florida Statutes, and require the permitholder to take corrective action.

(b) A penalty imposed under section 550.0251(10), Florida Statutes, does not exclude a prosecution for cruelty to animals or for any other criminal act.

Section 164. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. *As used in this section, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adoptor. The fee for sterilization may be included in the cost of adoption.*

Section 165. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida

State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; providing a title; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds"; providing effective dates.

Senator Campbell moved the following substitute amendment:

Amendment 3 (723792)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board *of Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

9.~~10.~~ Board of Landscape Architecture, created under part II of chapter 481.

10.~~11.~~ Board of Pilot Commissioners, created under chapter 310.

11.~~12.~~ Board of Professional Engineers, created under chapter 471.

12.~~13.~~ Board of Professional Geologists, created under chapter 492.

13.~~14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

14.~~15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or* fewer ~~than five~~ members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter* ~~Sections 326.001-326.006~~ may be cited as the "Yacht and Ship Brokers' Act."

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter* ~~ss. 326.001-326.006~~, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) *"Department"* ~~"Division"~~ means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The *department* ~~division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter* ~~ss. 326.001-326.006~~.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter* ~~ss. 326.001-326.006~~ against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The *department* ~~division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The *department* ~~division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed $500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the *department* ~~division~~ in *this chapter* ~~ss. 326.001-326.006~~.

(6) The *department* ~~division~~ may deny a license *or license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the *department* ~~division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the *department* ~~division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of $25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department* ~~division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department* ~~division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter* ~~ss. 326.001-326.006~~. When the *department* ~~division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department* ~~division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department* ~~division~~ a bond or equivalent securities in the sum of $10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter* ~~ss. 326.001-326.006~~ which results in any action being commenced on the bond or letter of credit, the *department* ~~division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department* ~~division~~ that it is no longer the surety for a licensee, the *department* ~~division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department* ~~division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license

must be maintained for each branch office. The *department* ~~division~~ shall establish by rule a fee not to exceed $100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department* ~~division~~ for cancellation.

(15) The *department* ~~division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement *and the Federal Bureau of Investigation conduct* ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department* ~~division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may* ~~division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department* ~~division~~ has the following powers and duties:

(a) The *department* ~~division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department* ~~division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the *department* ~~division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department* ~~division director~~ or any officer or employee designated by the *secretary* ~~division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department* ~~investigating officer~~ and upon reasonable notice to all persons affected thereby, the *department* ~~division~~ may apply to the circuit court for an order compelling compliance*, may impose a civil penalty, and may suspend or revoke the licensee's license*.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department* ~~division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department* ~~division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department* ~~division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department* ~~division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department* ~~division~~ will carry out the purposes of this chapter.

3. The *department* ~~division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department* ~~division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the *department* ~~division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the *department* ~~division~~ must be brought in the county in which the *department* ~~division~~ has its executive offices or in the county where the violation occurred.

(e) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect*. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) *"Registration"* ~~"License"~~ means a *registration* ~~license~~ issued by the department ~~of Business and Professional Regulation~~ to carry on the business of a talent agency under this part.

(11) *"Registrant"* ~~"Licensee"~~ means a talent agency *that* ~~which~~ holds a valid unrevoked and unforfeited *registration* ~~license~~ issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency* ~~Duties of the department; authority to issue and revoke license~~; adoption of rules.—

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has~~:

(a) Obtained or attempted to obtain *a registration* ~~any license~~ by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of~~ law.

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department~~.

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department~~.

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with ~~another licensee or with~~ any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

(2)~~(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this part.

(3)~~(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

(4)~~(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may ~~take the following actions~~:

(a) Deny an application for *registration* ~~licensure~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c) Impose an administrative fine, not to exceed $5,000, for each count or separate offense.~~

~~(d) Require restitution.~~

~~(e) Issue a public reprimand.~~

~~(f) Place the licensee on probation, subject to such conditions as the department may specify.~~

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

(5)~~(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed $300~~, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant~~. Each application for a change of

operator must be accompanied by an application fee of $150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)~~(4)~~ Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)~~(c)~~ The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)~~(6)~~ If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)~~(7)~~ If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* ~~licensee's~~ office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)~~(9)~~ If any information in the application supplied to the department by the applicant or *registrant* ~~licensee~~ changes in any manner whatsoever, the applicant or *registrant* ~~licensee~~ shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* ~~licensee~~.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration* ~~License~~; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* ~~licensing~~, renewal of *registration* ~~license~~, and reinstatement of *registration* ~~license~~, none of which fees shall exceed $400. The department may by rule establish a delinquency fee of no more than $50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* ~~regulation~~ of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* ~~license~~ has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* ~~licensee's~~ good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* ~~license~~ shall be valid to protect any business transacted under any name other than that designated *on* ~~in~~ the *registration* ~~license~~, unless consent is first obtained from the department~~, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department,~~ and unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes. A charge of $25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* ~~license~~ issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* ~~applicant for a license~~ shall *maintain and provide to its artists or potential clients* ~~file with the application~~ an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by *notifying its artists* ~~filing with the department an amended or supplemental schedule~~ at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration* ~~License~~; content; posting.—

(1) The talent agency *registration* ~~license~~ shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* ~~license~~, the full names and titles of the owner and the operator, and the number of the *registration* ~~license~~.

(2) The talent agency *registration* ~~license~~ shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* ~~licensee~~ desires to cancel his or her *registration* ~~license~~, he or she must notify the department and forthwith return to the department the *registration* ~~license~~ so canceled. No *registration* ~~license~~ fee may be refunded upon cancellation of the *registration* ~~license~~.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with* ~~regulated by~~ the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency *requirements* ~~regulations~~.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.~~; and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)~~(4)~~ Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part~~. The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)~~(5)~~ No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)~~(6)~~ No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* ~~licensed~~ name, department *registration* ~~license~~ number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)~~(7)~~ No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)~~(8)~~ No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)~~(9)~~ If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)~~(10)~~ Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* ~~license~~ by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* ~~license~~, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and~~ unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a *registration* ~~license~~ issued under this part.

(c) Failing to show on a *registration* ~~license~~ application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department~~, and which lists the address and telephone number of the department~~.

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or* subsection (2), suspend or revoke the *registration* ~~license~~ of any *person* ~~licensee~~ under this part who has been found guilty of any *violation of subsection (1) or* ~~misdemeanor listed in~~ subsection (2).

(4) *If a* ~~In the event the department or any~~ state attorney *finds* ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of subsection (1) *or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed $1,000~~.

(5) Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed $5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines,~~ fees~~, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a *registered* ~~licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency *registration* ~~license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future *registration* ~~licensure~~ as owner or operator of a Florida talent agency.

Section 22. *Sections 468.405 and 468.408, Florida Statutes, are repealed.*

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)*1.* A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, *the forms* ~~a form~~ of *seals* ~~seal~~ to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one* ~~an impression-type metal~~ seal in the form *approved by board rule* ~~aforesaid~~ and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter* ~~ss. 472.001-472.041~~.

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions* ~~Persons not affected by ss. 472.001-472.041~~.—*This chapter does* ~~Sections 472.001-472.041 do~~ not apply to:

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter* ~~the provisions of ss. 472.001-472.041~~.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)~~(a) and (b)~~.

(5)(a) Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

(b) Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.

(c) Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter* ~~ss. 472.001-472.041~~:

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) "Department" means the Department of Business and Professional Regulation.

(3) "Surveyor and mapper" includes the term "professional surveyor and mapper" and means a person who is registered to engage in the practice of surveying and mapping under *this chapter* ~~ss. 472.001-472.041~~. For the purposes of this *subsection* ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) "Practice of surveying and mapping" means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ "Surveyor and mapper intern" includes ~~the term~~ "surveyor-mapper-in-training" and means a person who complies with the requirements *of this chapter* ~~provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ "Responsible charge" means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scriber, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ "License" means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) "Photogrammetric mapper" means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(10) "Subordinate" means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) "Monument" means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) "Legal entity" means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and recordkeeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement *this chapter* ~~ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of *this chapter* ~~ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under *this chapter* ~~ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of *this chapter* ~~ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by *this chapter* ~~ss. 472.001-472.041,~~ and~~,~~ further~~,~~ provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of *this chapter* ~~ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 *Authorization* ~~Surveyors and mappers authorized~~ to enter lands of third parties*;* ~~under certain~~ conditions.—Surveyors and mappers *and their subordinates* may go on, over, and upon the lands of others when necessary to make surveys and maps *or to search for, uncover, locate, or set monuments*, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their *subordinates and* duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry *as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.*~~;~~ However, this section does not

give authority to registrants, *subordinates,* agents, or employees to destroy, injure, damage, or *otherwise* move *any physical improvements* ~~anything~~ on lands of another without the written permission of the landowner. *No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.*

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers*,* ~~and~~ surveyors and mappers*, and other persons* authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of *chapter* ~~ss. 472.001-472.041~~.—

(1) Nothing contained in *this chapter* ~~ss. 472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of *this chapter* ~~ss. 472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of *this chapter* ~~ss. 472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in *this chapter* ~~ss. 472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This *chapter* ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this *chapter* ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board *of Barbering and Cosmetology*.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board *of Barbering and Cosmetology*.—

(1) There is created within the department the ~~Barbers'~~ Board *of Barbering and Cosmetology*, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) *Two* ~~Five~~ members of the board *must* ~~shall~~ be *licensed* barbers who have practiced ~~the occupation of~~ barbering in this state for at least 5 years. *Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years.* The remaining *member must* ~~two members of the board shall~~ be *a resident* ~~citizens~~ of the state who *is* ~~are~~ not presently *a* licensed *barber or cosmetologist* ~~barbers~~. No person *may* ~~shall~~ be appointed to the board who is ~~in any way~~ connected with the manufacture, rental, or wholesale distribution of barber *or cosmetology* equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person *may* ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive *$50 per day, up to a maximum of $2,000 per year, for time spent on board business, plus* per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)~~(6)~~ Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may be~~ necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers *or cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

~~(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)~~(4)~~ The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) "Board" means the Board of *Barbering and* Cosmetology.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers' Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers' Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers' Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) *The board shall by rule establish criteria for the approval of continuing education courses and providers.* ~~The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

(d) The board shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.

(e) Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course

criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee's understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed $25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed $50.

(d) For specialists, fees for application and endorsement registration shall not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed $50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for *initial* registration*, registration renewal, and delinquent renewal* shall not exceed $25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States~~, including those schools and colleges accredited by the National Architectural Accreditation Board~~; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties*; injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of *16* ~~18~~ members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a* ~~Two are~~ consumer *member* ~~members~~ who *is* ~~are~~ not, and *has* ~~have~~ never been, *a member* ~~members~~ or *practitioner* ~~practitioners~~ of a profession regulated by the board or *a member* ~~members~~ of any closely related profession; and

(k) *One is a* ~~Two are~~ building *official* ~~officials~~ of a municipality or county.

(l) On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j);~~ and ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; *and* ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(j)~~; and one of the members appointed pursuant to paragraph (2)(k)~~. Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. *Contractors defined in s. 489.105(3)(a)-(c)* ~~Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).*

Section 60. *Subsection (6) of section 489.507, Florida Statutes, is repealed.*

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by $25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and* ~~applying for certification~~ who~~:~~

~~(a)~~ meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521.~~; or~~

~~(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.—

~~(1) There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

~~(2)~~ All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund *to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.* The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter ~~and the provisions of law with respect to each category of business covered by this trust fund. The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20~~.

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to $10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation;~~ mandatory nonbinding arbitration *and mediation; local resolution; exemptions*; legislative findings.—

(1) *APPLICABILITY* ~~DEFINITIONS~~.—

(a) The provisions of subsection (3) apply to ~~As used in this section, the term "dispute" means~~ any disagreement between two or more parties that involves~~:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b)~~ the failure of a governing body, when required by this chapter or an association document, to~~:~~

~~1.~~ properly conduct elections *or to recall a board member*.

(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto; or

b. Alter or add to a common area or element.

2. The failure of a governing body, when required by this chapter or an association document, to:

a.~~2.~~ Give adequate notice of meetings or other actions*;*~~.~~

b.~~3.~~ Properly conduct meetings*; or*~~.~~

c.~~4.~~ Allow inspection of books and records.

~~"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

(2)~~(3)~~ LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who

must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)~~(4)~~ MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall *provide* ~~employ full-time attorneys to act as~~ arbitrators to conduct the arbitration hearings *as required* ~~provided~~ by this chapter. The *department may employ attorneys to act as arbitrators, and the* division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this *chapter* ~~section~~. No person may be employed by the department as *an* ~~a full-time~~ arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) *The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose* ~~Upon referral of a case to mediation~~, *or* the parties *may agree on* ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator *or the division*, the arbitrator *or the division* shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator *or the division may* ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. *The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.* The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the *case was referred to mediation by an arbitrator and the* ~~mediator declares an impasse after a~~ mediation conference *ends in an impasse* ~~has been held~~, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. *If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.* The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.

(4) EXEMPTIONS.—A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:

(a) Title to any unit or common element;

(b) The interpretation or enforcement of any warranty;

(c) The levy of a fee or assessment or the collection of an assessment levied against a party;

(d) The eviction or other removal of a tenant from a unit;

(e) Alleged breaches of fiduciary duty by one or more directors; or

(f) Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(5) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and $440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the

basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for

recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from

the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—

(1) There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including

extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer) .

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, (Tallahassee address and telephone number of division) .

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall provide for alternative dispute resolution in accordance with s. 718.1255.

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become

effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of $4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 719.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without

amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: __(name and address of developer)__.

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, __(Tallahassee address and telephone number of division)__.

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and managing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, not to exceed $50,000 annually, to support the projects and proposals undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part *for the obligor*. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)*1.* A successor registered agent is appointed *by the resigning registered agent* and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1)*; or*~~.~~

2. The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a ~~The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the~~ successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association *of the timeshare plan* as to the assessment lien; and

(c)*1. If a successor registered agent is appointed under subparagraph (b)1.,* copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected

obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders*; or*~~.~~

2. If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.

(6) If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.

(8) If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed $5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

(a) The name and address of the condemning authority.

(b) A written or visual description of the property.

(c) The public purpose for which the property is needed.

(d) The appraisal value of the property.

(e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.

(f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund established pursuant to s. *718.509* ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

(c)~~(d)~~ Has completed the application form and remitted an application fee not to exceed $500, ~~an examination fee not to exceed the actual cost for the examination plus $500,~~ an active licensure fee not to exceed $2,000, and all other applicable fees provided for in this part or in chapter 455.

(d)~~(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)~~(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a $15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

(2) An agent contract must state:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.

(6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.

(8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(9) A student-athlete may not waive the right to cancel an agent contract.

(10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point boldfaced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

(11)~~(6)~~ An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.

(12)~~(7)~~ An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227*, and an administrative fine not to exceed $25,000 for each separate offense*. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;

2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;

3. Provide materially false or misleading information in an application for licensure;

4. Predate or postdate an agent contract;

5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) This part does not restrict rights, remedies, or defenses of any person under law or equity.

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) An athlete agent ~~who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least *5* **4** years from the date of entry. *These records must include, but shall not be limited to:*

(a) The name and address of each individual represented by the athlete agent;

(b) Any agent contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.

Section 116. *Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If *a* ~~the~~ declaration *recorded on or after July 1, 2000, for a condominium operated by a multicondominium association,* as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number

"one" and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein,* may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted *pursuant to the provisions contained therein* ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, ~~lease,~~ or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of* ~~cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed *by the association* or received ~~by the association~~ from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws,* the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein,* may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000,* ~~if~~ the declaration for each condominium ~~to be~~ operated by that association *shall provide* ~~provides~~ for participation in a multicondominium, in conformity with this section, and *disclose* ~~discloses~~ or *describe* ~~describes~~:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the

owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, ~~AND~~ RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~ IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, *AND* RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If *a* ~~the~~ condominium *created on or after July 1, 2000,* is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 Concessionaires; security.—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; *powers;* organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for *referees and other* officials appointed by the commission *or the representative of the commission*.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire,* or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)~~(1)~~ Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)~~(2)~~ Be verified by the applicant.

(c)~~(3)~~ Be complete and have attached to the application any photographs and other exhibits required.

(2)~~(4)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person *or business entity that* ~~who in any jurisdiction~~ has been convicted of any act*, or who has a trustee, partner, officer, director, or owner that has been convicted of any act,* which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person *or business entity that* ~~who~~ has been named in *any* ~~an~~ information or indictment*, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment,* for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission*, or the commission representative,* shall assign to each match *at least one* ~~a~~ physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative* ~~deputy~~ in charge and the referee of the participants' conditions before*,* ~~and~~ during*, and after* the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.*

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is

adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than *$20,000* ~~$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than *$20,000* ~~$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers* ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing *and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges*; attendance* at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue* subpoenas.—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569.* ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines*; citations*.—

(1) The commission may impose a fine of not more than $5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. *Section 548.045, Florida Statutes, is repealed.*

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. *Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation.* The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. *A board or profession regulated by the department may autho-*

rize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 148. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512,

559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing effective dates.

On motion by Senator Geller, further consideration of **CS for SB 348** with pending **Amendment 2** and substitute **Amendment 3** was deferred.

SENATOR SILVER PRESIDING

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **HB 1821** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Lawson, Webster

SB 696—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Campbell, **SB 696** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Constantine	Geller	Latvala
Brown-Waite	Cowin	Holzendorf	Laurent
Burt	Crist	Horne	Lee
Campbell	Dawson	Jones	Meek
Carlton	Dyer	King	Miller
Clary	Garcia	Klein	Mitchell

Peaden	Rossin	Sebesta	Villalobos
Posey	Sanderson	Silver	Webster
Pruitt	Saunders		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Lawson, Smith

Consideration of **SB 432** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 1225** was withdrawn from the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net–ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 460** as amended and read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1225** was read the third time by title.

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

Amendment 1 (755080)(with title amendment)—On page 7, line 7 through page 26, line 11, delete those lines and insert:

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 11, delete those lines and insert: amending s. 212.08, F.S.;

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

Amendment 2 (133508)—On page 96, line 14, delete "*200*" and insert: *150*

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

Amendment 3 (080622)(with title amendment)—On page 118, following line 31, insert:

Section 44. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible. *For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, following the semicolon (;) insert: amending s. 163.3177, F.S.; revising criteria for a comprehensive plan land use element for schools in certain rural counties;

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

Amendment 4 (312886)(with title amendment)—On page 118, after line 31, insert:

Section 44. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year ~~2000-2001 shall not exceed $24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year~~ 2001-2002 *may* ~~and each subsequent year shall~~ not exceed $30 million. *The total for each subsequent fiscal year may not exceed $35 million.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: amending s. 288.095, F.S.; providing a cap on the total state share of tax refund payments scheduled in all active certifications approved by the Office of Tourism, Trade, and Economic Development;

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

Amendment 5 (663514)(with title amendment)—On page 7, line 6, insert:

Section 1. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, *a federally recognized Native American tribe,* and any similar entity of any other state of the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 163.01, F.S.; redefining the term "public agency" for purposes of the Florida Interlocal Cooperation Act of 1969;

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

Amendment 6 (185650)(with title amendment)—On page 119, before line 1, insert:

Section 107. *The sum of $650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of $650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial*

Space Financing Corporation by the General Appropriations Act shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority by the General Appropriations Act shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

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

Amendment 7 (213348)(with title amendment)—On page 119, line 1, insert:

Section 44. Paragraph (ggg) is added to subsection (7) of section 212.08, Florida Statutes, to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—

(ggg) Certain facilities that train aircraft pilots and flight crews.—Sales and leases to or by any facility, school, or business that is certified under Part 142 of Federal Aviation Regulations and trains aircraft pilots and flight crews for approval, certification, or regulation by the Federal Aviation Administration, or a comparable foreign national government regulatory agency are exempt from the tax imposed by this chapter as provided herein. The exemption applies only to purchases and leases for use in flight training facilities and activities certified under Part 142 of the Federal Aviation Regulations. In order to claim this exemption, a consumer's certificate of exemption must be obtained from the department. The amount of this exemption shall not exceed $500,000 in any fiscal year.

Exemptions provided to any entity by this subsection shall not insure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: provides sales and use tax exemption for Type 142 air crew training simulators;

Senator Horne moved the following amendment:

Amendment 8 (970540)(with title amendment)—On page 119, line 1, insert:

Section 44. *The sum of $1,800,000 is appropriated from nonrecurring General Revenue funds for Fiscal Year 2001-2002, to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development to contract with Enterprise Florida, Inc., to promote the growth of employment in the Information Technology Industry and expended as follows: There shall be paid an incentive payment to a qualifying corporation in an amount equal to the product of $3,000 and the total number of full-time Florida employees in the employ of the qualifying corporation as of December 31, 2001. Incentive payments shall be made to qualifying corporations submitting applications after February 15, 2002 until $1,800,000 appropriated for this purpose is depleted, in the order in which applications from qualifying corporations are received by Enterprise Florida, Inc. The amount of the incentive payment made to an individual corporation cannot exceed the gross compensation of all new full-time Florida employees hired between January 1, 2001 and December 31, 2001. For these purposes "qualifying corporation" means an Information Technology Industry corporation (1) whose percentage increase in full-time Florida employees equals or exceeds ten percent or whose new full-time Florida employees is at least 50 and (2) the average gross compensation of all its full-time Florida employees for calendar year 2001 exceeds $60,000. A corporation is an "Information Technology Industry" corporation if it derives more than 50% of its revenues during calendar year 2001 from (1) designing, developing, manufacturing, processing, or producing computer software, including but not limited to operating systems, software applications, internet enablement software, business information systems software, and enterprise resource planning software, or (2) the sale to end users of voice or data services delivered over a broadband facility capable of transmission in speeds in excess of 128kbps. "New full-time Florida employees" means the number of full-time Florida employees as of December 31, 2001 less the number of full-time Florida employees as of December 31, 2000. "Full-time Florida employee" means an employee who performs duties for an average of 36 hours or more per week and is reported on the corporation's Florida Unemployment Compensation Report, Form UCT-6. "New employee" means an employee hired or relocated to Florida on or after January 1, 2001 and during calendar year 2001. An individual employed in Florida*

by a member of the same affiliated group of corporations at any time during the 12 months preceding the date of hire or relocation by the qualifying corporation shall not be counted as a new employee. "Gross compensation" means all amounts reported in Box 5 of the employee's Federal Form W-2, Wages and Tax Statement. Average gross compensation shall mean total gross compensation for all full-time Florida employees for calendar year 2001 divided by the number of full-time Florida employees as of December 31, 2001. A qualifying corporation shall include with its application for incentive payments documentation reflecting compliance with the foregoing job growth and compensation requirements. Such documentation may include W-2 forms, state unemployment compensation tax returns or other supporting schedules. The funds subject to this proviso shall be subject to the provisions of s. 216.301(1)(a).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing an appropriation for promoting growth of employment in the Information Technology Industry;

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

Amendment 9 (482452)(with title amendment)—On page 119, line 1, insert:

Section 44. *The sum of $1,000,000 is appropriated from nonrecurring General Revenue funds for Fiscal Year 2001-2002, to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development to contract with Enterprise Florida, Inc., to promote the growth of employment in the Information Technology Industry and expended as follows: There shall be paid an incentive payment to a qualifying corporation in an amount equal to the product of $3,000 and the total number of full-time Florida employees in the employ of the qualifying corporation as of December 31, 2001. Incentive payments shall be made to qualifying corporations submitting applications after February 15, 2002 until $1,000,000 appropriated for this purpose is depleted, in the order in which applications from qualifying corporations are received by Enterprise Florida, Inc. The amount of the incentive payment made to an individual corporation cannot exceed the gross compensation of all new full-time Florida employees hired between January 1, 2001 and December 31, 2001. For these purposes "qualifying corporation" means an Information Technology Industry corporation (1) whose percentage increase in full-time Florida employees equals or exceeds ten percent or whose new full-time Florida employees is at least 50 and (2) the average gross compensation of all its full-time Florida employees for calendar year 2001 exceeds $60,000. A corporation is an "Information Technology Industry" corporation if it derives more than 50% of its revenues during calendar year 2001 from (1) designing, developing, manufacturing, processing, or producing computer software, including but not limited to operating systems, software applications, internet enablement software, business information systems software, and enterprise resource planning software, or (2) the sale to end users of voice or data services delivered over a broadband facility capable of transmission in speeds in excess of 128kbps. "New full-time Florida employees" means the number of full-time Florida employees as of December 31, 2001 less the number of full-time Florida employees as of December 31, 2000. "Full-time Florida employee" means an employee who performs duties for an average of 36 hours or more per week and is reported on the corporation's Florida Unemployment Compensation Report, Form UCT-6. "New employee" means an employee hired or relocated to Florida on or after January 1, 2001 and during calendar year 2001. An individual employed in Florida by a member of the same affiliated group of corporations at any time during the 12 months preceding the date of hire or relocation by the qualifying corporation shall not be counted as a new employee. "Gross compensation" means all amounts reported in Box 5 of the employee's Federal Form W-2, Wages and Tax Statement. Average gross compensation shall mean total gross compensation for all full-time Florida employees for calendar year 2001 divided by the number of full-time Florida employees as of December 31, 2001. A qualifying corporation shall include with its application for incentive payments documentation reflecting compliance with the foregoing job growth and compensation requirements. Such documentation may include W-2 forms, state unemployment compensation tax returns or other supporting schedules. The funds subject to this proviso shall be subject to the provisions of s. 216.301(1)(a).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing an appropriation for promoting growth of employment in the Information Technology Industry;

On motion by Senator Clary, **HB 1225** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Dawson	Holzendorf	Miller

Vote after roll call:

Yea—Lawson, Smith

SB 432—A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; extending the repeal date of the Sustainable Communities Demonstration Project; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (912100)(with title amendment)—On page 1, between lines 15 and 16, insert:

Section 2. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, *a federally recognized Native American tribe,* and any similar entity of any other state of the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 163.01, F.S.; redefining the term "public agency" for purposes of the Florida Interlocal Cooperation Act of 1969;

On motion by Senator Constantine, **SB 432** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Saunders	Silver	Villalobos	Wasserman Schultz
Sebesta			

Nays—1

Diaz de la Portilla

Vote after roll call:

Yea—Lawson, Smith, Webster

SB 768—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sanderson, **SB 768** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Campbell Posey

Vote after roll call:

Yea—Lawson, Smith

CS for SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Klein, **CS for SB 1310** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Lawson, Smith

On motion by Senator Garcia, by two-thirds vote **HB 1811** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1811—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S.,

to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

—a companion measure, was substituted for **CS for SB 874** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1811** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—King, Lawson, Smith

Consideration of **SB 1022** was deferred.

CS for SB 876—A bill to be entitled An act relating to state technology resource procurement; amending s. 287.042, F.S.; requiring the State Technology Office to assess technological needs of agencies and to evaluate contracts; amending s. 287.057, F.S.; requiring state agencies to participate in the on-line procurement program; requiring the State Technology Office to determine criteria for exceptions to participation; authorizing the collection of fees for use of the procurement program; authorizing the creation of State Strategic Information Technology Alliances; amending s. 287.0731, F.S.; requiring the Department of Management Services to consult with the State Technology Office in the establishment of a permanent team for contract negotiations; providing an effective date.

—was read the third time by title.

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

Amendment 1 (494440)(with title amendment)—On page 5, between lines 13 and 14, insert:

Section 4. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."

(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.

Section 5. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes is amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) By January 1, *2001* ~~2000~~, the *State Technology Office* ~~Department of Management Services~~ must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The *office* ~~department~~ shall

design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the *office* ~~department~~ must solicit input from potential users of the site.

(2) The *office* ~~department~~ shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the *office* ~~department~~ shall implement, in the most timely manner possible, the capabilities described in this subsection. The *office* ~~department~~ shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The *office* ~~department~~ may competitively procure and contract for services to develop such capabilities.

(6) The *office* ~~department~~ may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

~~(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 6. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 288.109(1), F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license;

On motion by Senator Garcia, **CS for SB 876** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson, Smith

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

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

That the amendment to Section 5 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to Section 3.

(c)~~(b)~~ Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d)~~(c)~~ If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

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

ECONOMIC IMPACT STATEMENTS FOR
PROPOSED CONSTITUTIONAL AMENDMENTS OR REVISIONS

Requires the Legislature to provide by general law for the provision of an economic impact statement to the public prior to the public voting on an amendment of the Florida Constitution proposed by initiative.

—was read the third time in full.

On motion by Senator Horne, **HJR 571** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lawson, Smith

CS for SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 846** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Lawson, Smith

Consideration of **CS for HB 455** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 757** was withdrawn from the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S., relating to liens; revising conditions for sale of certain vehicles and vessels; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

—a companion measure, was substituted for **CS for SB 2044** as amended and read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (960988)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4)*,* ~~or~~ s. 316.1967(6), *or s. 713.78(13)* a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel

to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less*.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home abandoned under s. 705.103, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment

of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

Senator Geller moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (655052)(with title amendment)—On page 2, between lines 17 and 18, insert:

Section 2. Present subsections (1) through (27) of section 713.01, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and a new subsection (1) is added to that section to read:

713.01 Definitions.—As used in this part, the term:

(1) "Abandoned property" means all tangible personal property that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 20, after the first semicolon (;) insert: amending s. 713.01, F.S.; defining the term "abandoned property";

Amendment 1B (040796)—On page 4, delete line 25 and insert: *an abandoned vehicle, vessel, or mobile home*

Amendment 1 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **HB 757** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 2074** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 1863** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 455** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith, King

SB 2004—A bill to be entitled An act relating to education; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Horne, **SB 2004** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 892** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 934** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 930** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **CS for SB 1968** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Lawson, Smith

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

—as amended May 3 was read the third time by title.

THE PRESIDENT PRESIDING

Senator Holzendorf moved the following amendment:

Amendment 1 (103810)(with title amendment)—On page 7, between lines 29 and 30, insert:

(7) Ports that do not wish to receive state funds for seaport security are exempt from the provisions contained in subsections (1)-(6).

And the title is amended as follows:

On page 1, line 19, following the semicolon (;) insert: providing an exemption;

On motion by Senator Burt, further consideration of **CS for SB 978** as amended with pending **Amendment 1** was deferred.

RECESS

On motion by Senator Horne, the Senate recessed at 12:43 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:36 p.m. in lieu of 1:00 p.m. A quorum present—40:

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 1238** and **CS for SB 1762** were withdrawn from the Committee on Rules and Calendar; and

CS for SB 1500 was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 108, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 108—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

House Amendment 1 (655695)(with title amendment)—On page 1, line 24, insert:

Section 1. Subsections (8), (9), (10), (14), and (15) of section 626.9911, Florida Statutes, are amended to read:

626.9911 Definitions.—As used in this act, the term:

(8) "Related provider trust" means a *titling trust or other* trust established by a *licensed* viatical settlement provider *or financing entity* for the sole purpose of *holding the ownership or beneficial interest in purchased policies in connection with a financing transaction* ~~entering into or owning viatical settlement contracts~~. *The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the department as if those records and files were maintained directly by the licensed viatical settlement provider.* This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit. *The term also includes purchases made by viatical settlement purchasers from any person other than the provider who effectuated the viatical settlement contract.*

(10) "Viatical settlement purchaser" means a person *who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy that has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit, including purchases made from any person other than the provider who effectuated the viatical settlement contract or an entity affiliated with the provider. The term does not include*~~, other than~~ a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, ~~or~~ a special purpose entity*, a financing entity, or a contingency insurer* ~~who gives a sum of money as consideration for a life insurance policy or an equitable or legal interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit~~. The above references to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner. Any person who claims to be an accredited investor shall sign an affidavit stating that he or she is an accredited investor, the basis of that claim, and that he or she understands that as an accredited investor he or she will not be entitled to certain protections of the Viatical Act. This affidavit must be kept with other documents required to be maintained by this act.

(14) "Special purpose entity" means an entity established by a licensed viatical settlement provider *or by a financing entity*, which may be a corporation, partnership, trust, *limited liability company,* or other similar entity formed solely to *provide, either directly or indirectly, access to* ~~act as a vehicle to permit a lender to the provider to access~~ institutional capital markets *to a viatical settlement* ~~for the~~ provider *or financing entity*. A special purpose entity shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.

(15) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, or purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or any *entity* ~~person~~ that ~~may be a party to a viatical settlement contract and that~~ has direct ownership in a policy or certificate that is the subject of a viatical settlement contract, but whose *principal* ~~sole~~ activity related to the transaction is providing funds or credit enhancement to effect the viatical settlement *or the purchase of one or more viatical policies* and who has an agreement in writing with *one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts* ~~a licensed viatical settlement provider to act as a participant in a financing transaction~~. The term does not include a nonaccredited investor*, a viatical settlement purchaser,* or other natural person. *A financing entity may not enter into a viatical settlement contract.*

Section 2. Subsection (1) of section 626.9921, Florida Statutes, is amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, viatical settlement purchase agreement form, escrow form, or related form may be used in this state only after ~~the viatical settlement provider or any related provider trust has filed~~ the form *has been filed* with the department and only after the form has been approved by the department.

Section 3. Subsection (3) is added to section 626.99235, Florida Statutes, to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(3) The requirements of this section also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract which are the subject of a viatical settlement purchase agreement.

Section 4. Section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider *and the viatical settlement sales agent, themselves* ~~itself~~ or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:

(a) All the life expectancy certifications obtained by the provider.

(b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.

(c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.

(d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.

(e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.

(f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.

(2) The viatical settlement purchase agreement is voidable by the purchaser at any time within 3 days after the disclosures mandated by this section are received by the purchaser.

(3) At the time the disclosures in subsection (1) are made, the viatical settlement purchaser shall be advised to seek independent financial advice from a person not compensated by the viatical settlement provider or viatical settlement broker or the viatical settlement sales agent. The viatical settlement purchaser shall sign an affidavit that he or she has received the disclosures and understands their importance.

(4) A viatical settlement purchase transaction, which involves a purchase from any person other than the provider who effectuated the viatical settlement contract that is the subject of a viatical settlement purchase agreement, may be completed only through the use of an independent third-party trustee or escrow agent. All funds to be paid by the purchaser must be deposited by the purchaser with the independent third-party trustee or escrow agent. The independent third-party trustee or escrow agent shall not release the deposited funds to the seller until after the 3-day voidable period established by subsection (2) has expired.

(5) The requirements of subsections (1), (2), and (3) also apply to purchases made from any person other than the provider who effectuated the viatical settlement contract that are the subject of a viatical settlement purchase agreement.

Section 5. Subsection (10) is added to section 626.9924, Florida Statutes, to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(10) The viatical settlement provider who effectuated the viatical settlement contract with the viator (the "initial provider") is responsible for tracking the insured, including but not limited to, keeping track of the insured's whereabouts and health status, submission of death claims or assisting the beneficiary in the submission of death claims, and the status of the payment of premiums until the death of the insured. This responsibility may be contracted out to a third party; however, the ultimate responsibility remains with the initial provider. This responsibility continues with the initial provider, notwithstanding any transfers of the viaticated policy in the secondary market. This subsection applies only to those viaticated policies that are or are to become the subject of viatical settlement purchase agreements.

Section 6. Subsection (3) is added to section 626.99245, Florida Statutes, to read:

626.99245 Conflict of regulation of viaticals.—

(3) This section does not affect the requirement of ss. 626.9911(6) and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the department. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts and effectuating viatical settlement purchase agreements from offices in this state, regardless of the state of residence of the viator or the viatical settlement purchaser.

And the title is amended as follows:

On page 1, lines 2 and 3, remove from the title of the bill: all of said lines, and insert in lieu thereof: An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act;

House Amendment 2 (983481)(with title amendment)—On page 5, line 1 through page 11, line 29 remove from the bill: all of said lines and insert in lieu thereof:

(p) "Structured-settlement-payment rights" means rights to receive periodic payments, including lump-sum payments under a structured settlement, whether from the structured-settlement obligor or the annuity issuer, if:

1. The payee or any other interested party is domiciled in this state;

2. The structured settlement agreement was approved by a court of this state; or

3. The settled claim was pending before the courts of this state when the parties entered into the structured-settlement agreement.

(q) "Terms of the structured settlement" means the terms of the structured-settlement agreement; the annuity contract; a qualified-assignment agreement; or an order or approval of a court or other government authority authorizing or approving the structured settlement.

(r) "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

(s) "Transfer agreement" means the agreement providing for transfer of structured-settlement-payment rights from a payee to a transferee.

(t) "Transferee" means a person who is receiving or who will receive structured-settlement-payment rights resulting from a transfer.

(3) CONDITIONS TO TRANSFERS OF STRUCTURED-SETTLEMENT-PAYMENT RIGHTS AND STRUCTURED-SETTLEMENT AGREEMENTS.—

(a) A direct or indirect transfer of structured-settlement-payment rights is not effective and a structured-settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee of structured-settlement-payment rights unless the transfer is authorized in advance in a final order by a court of competent jurisdiction which is based on the written express findings by the court that:

1. The transfer complies with this section and does not contravene other applicable law;

2. At least 10 days before the date on which the payee first incurred an obligation with respect to the transfer, the transferee provided to the payee a disclosure statement in bold type, no smaller than 14 points in size, which specifies:

a. The amounts and due dates of the structured-settlement payments to be transferred;

b. The aggregate amount of the payments;

c. The discounted present value of the payments, together with the discount rate used in determining the discounted present value;

d. The gross amount payable to the payee in exchange for the payments;

e. An itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, and notary fees and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;

f. The net amount payable to the payee after deducting all commissions, fees, costs, expenses, and charges described in sub-subparagraph e.;

g. The quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments, which must be disclosed in the following statement: "The net amount that you will receive from us in exchange for your future structured-settlement payments represent __ percent of the estimated current value of the payments based upon the discounted value using the applicable federal rate";

h. The effective annual interest rate, which must be disclosed in the following statement: "Based on the net amount that you will receive from us and the amounts and timing of the structured-settlement payments that you are turning over to us, you will, in effect, be paying interest to us at a rate of __ percent per year"; and

i. The amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of a breach of the transfer agreement by the payee;

3. The payee has established that the transfer is in the best interests of the payee, taking into account the welfare and support of the payee's dependents;

4. The payee has received, or waived his or her right to receive, independent professional advice regarding the legal, tax, and financial implications of the transfer;

5. The transferee has given written notice of the transferee's name, address, and taxpayer identification number to the annuity issuer and the structured-settlement obligor and has filed a copy of the notice with the court;

6. The transfer agreement provides that if the payee is domiciled in this state, any disputes between the parties will be governed in accordance with the laws of this state and that the domicile state of the payee is the proper venue to bring any cause of action arising out of a breach of the agreement; and

7. The court has determined that the net amount payable to the payee is fair, just, and reasonable under the circumstances then existing.

(b) If a proposed transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court may grant, deny, or impose conditions upon the proposed transfer which the court deems just and proper given the facts and circumstances and in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured-settlement obligor for any liability, including reasonable costs and attorney's fees, which arises from compliance by the issuer or obligor with the order of the court.

(c) Any provision in a transfer agreement which gives a transferee power to confess judgment against a payee is unenforceable to the extent that the amount of the judgment would exceed the amount paid by the transferee to the payee, less any payments received from the structured-settlement obligor or payee.

(d) In negotiating a structured settlement of claims brought by or on behalf of a claimant who is domiciled in this state, the structured-settlement obligor must disclose in writing to the claimant or the claimant's legal representative all of the following information that is not otherwise specified in the structured-settlement agreement:

1. The amounts and due dates of the periodic payments to be made under the structured-settlement agreement. In the case of payments that will be subject to periodic percentage increases, the amounts of future payments may be disclosed by identifying the base payment amount, the amount and timing of scheduled increases, and the manner in which increases will be compounded;

2. The amount of the premium payable to the annuity issuer;

3. The discounted present value of all periodic payments that are not life-contingent, together with the discount rate used in determining the discounted present value;

4. The nature and amount of any costs that may be deducted from any of the periodic payments;

5. Where applicable, that any transfer of the periodic payments is prohibited by the terms of the structured settlement and may otherwise be prohibited or restricted under applicable law; and

6. That any transfer of the periodic payments by the claimant may subject the claimant to serious adverse tax consequences.

(4) JURISDICTION; PROCEDURE FOR APPROVAL OF TRANSFERS.—At least 20 days before the scheduled hearing on an application for authorizing a transfer of structured-settlement-payment rights under this section, the transferee must file with the court and all interested parties a notice of the proposed transfer and the application for its authorization. The notice must include:

(a) A copy of the transferee's application to the court;

(b) A copy of the transfer agreement;

(c) A copy of the disclosure statement required under subsection (3);

(d) Notification that an interested party may support, oppose, or otherwise respond to the transferee's application, in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(e) Notification of the time and place of the hearing and notification of the manner in which and the time by which any written response to the application must be filed in order to be considered by the court. A written response to an application must be filed within 15 days after service of the transferee's notice.

(5) WAIVER PROHIBITED; NO PENALTIES INCURRED.—

(a) The provisions of this section may not be waived.

(b) If a transfer of structured-settlement-payment rights fails to satisfy the conditions of subsection (3), the payee who proposed the transfer does not incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee.

(6) NONCOMPLIANCE.—

(a) If a transferee violates the requirements for stipulating the discount and finance charge provided for in subsection (3), neither the transferee nor any assignee may collect from the transferred payments, or from the payee, any amount in excess of the net advance amount, and the payee may recover from the transferee or any assignee:

1. A refund of any excess amounts previously received by the transferee or any assignee;

2. A penalty in an amount determined by the court, but not in excess of three times the aggregate amount of the discount and finance charge; and

3. Reasonable costs and attorney's fees.

(b) If the transferee violates the disclosure requirements in subsection (3), the transferee and any assignee are liable to the payee for:

1. A penalty in an amount determined by the court, but not in excess of three times the amount of the discount and finance charge; and

2. Reasonable costs and attorney's fees.

(c) A transferee or assignee is not liable for any penalty in any action brought under this section if the transferee or assignee establishes by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the transferee's maintenance of procedures reasonably designed to avoid such errors.

(d) Notwithstanding any other law, an action may not be brought under this section more than 1 year after the due date of:

1. The last transferred structured-settlement payment, in the case of a violation of the requirements for stipulating the discount and finance charge provided for in subsection (3).

2. The first transferred structured-settlement payment, in the case of a violation of the disclosure requirements of subsection (3).

(e) When any interested party has reason to believe that any transferee has violated this section, any interested party may bring a civil action for injunctive relief, penalties, and any other relief that is appropriate to secure compliance with this section.

And the title is amended as follows:

On page 1, lines 19-20 remove from the title of the bill: all of said lines and insert in lieu thereof: violations of the act; authorizing an interested party to bring an action for injunctive

On motion by Senator Geller, the Senate concurred in the House amendments.

CS for CS for SB 108 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 400, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

House Amendment 1 (930887)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 827.06, Florida Statutes, is amended to read:

827.06 ~~Persistent~~ Nonsupport *of dependents*.—

(1) The Legislature finds that most noncustodial parents want to support their children and remain connected to their families. The Legislature also finds that while many noncustodial parents lack the financial resources and other skills necessary to provide that support, a small percentage of such parents willfully fail to provide support to their children even when they are aware of the obligation and have the ability to do so pursuant to s. 61.30. The Legislature further finds that existing statutory provisions for civil enforcement of support have not proven sufficiently effective or efficient in gaining adequate support for all children. Recognizing that it is the public policy of this state that children shall be maintained primarily from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs, it is the intent of the Legislature that the criminal penalties provided for in this section are to be pursued in all appropriate cases where exhaustion of appropriate civil enforcement has not resulted in payment.

(2)~~(1)~~ Any person who, after notice *as specified in subsection (6), and who has been previously adjudged in contempt for failure to comply with a support order, willfully* fails to provide support which he or she *has the ability* ~~is able~~ to provide to *a child* ~~children~~ or *a* spouse whom the person knows he or she is legally obligated to support *commits*~~, and over whom no court has jurisdiction in any proceedings for child support or dissolution of marriage, shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *In lieu of any punishment imposed pursuant to s. 775.082 or s. 775.083, any person who is convicted of a violation of this subsection shall be punished:*

(a) By a fine to be paid after restitution for:

1. Not less than $250 nor more than $500 for a first conviction.

2. Not less than $500 nor more than $750 for a second conviction.

3. Not less than $750 nor more than $1,000 for a third conviction; and

(b) By imprisonment for:

1. Not less than 15 days nor more than 1 month for a first conviction.

2. Not less than 1 month nor more than 3 months for a second conviction.

3. Not less than 3 months nor more than 6 months for a third conviction.

(3) Any person who is convicted of a fourth or subsequent violation of subsection (2) or who violates subsection (2) and who has owed to that child or spouse for more than 1 year support in an amount equal to or greater than $5,000 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Upon a conviction under this section, the court shall order restitution in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(5)(a) Evidence that the defendant willfully failed to make sufficient good faith efforts to legally acquire the resources to pay legally ordered support may be sufficient to prove that he or she had the ability to provide support but willfully failed to do so, in violation of this section.

(b) The element of knowledge may be proven by evidence that a court or tribunal as defined by s. 88.1011(22) has entered an order that obligates the defendant to provide the support.

(6)~~(2)~~ Prior to commencing prosecution under this section, the state attorney must *notify* ~~advise~~ the person responsible for support by certified mail, return receipt requested, that a prosecution under this section will be commenced against him or her unless the person *pays the total unpaid support obligation* ~~makes such delinquent support payments~~ or provides a satisfactory explanation as to why he or she has not made such payments.

Section 2. This act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said lines and insert in lieu thereof:

An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

On motion by Senator Horne, the Senate concurred in the House amendment.

CS for CS for SB 400 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burt	Clary	Crist
Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla

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

Nays—None

Vote after roll call:

Yea—Lawson

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 638, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

House Amendment 1 (100171)(with title amendment)—On page 1, line 10, of the bill insert:

Section 1. *There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of $200,000.*

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said line and insert in lieu thereof: An act relating to education; providing an appropriation to the University of Miami-RSMAS Integrated Marine Research and Educational Program;

House Amendment 2 (702977)(with directory language and title amendments)—On page 1, between lines 15 and 16, of the bill insert:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis *is* ~~shall be~~ entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee *is* ~~shall be~~ entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days *of sick leave* available to him or her, the district school board may withhold the average daily amount for the *days of* sick *leave used* ~~days utilized~~ but unearned by the employee. Such leave *may* ~~shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed *in this section*. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons *must* ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons *is* ~~shall be~~ noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay *may* ~~shall~~ not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay *may* ~~shall~~ not exceed ~~an amount determined as follows:~~

~~a.~~ one-fourth of all unused sick leave accumulated on or after July 1, *2001, and may* ~~1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. *This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.*

b. For unused sick leave accumulated *before* ~~prior to~~ July 1, *2001* ~~1995~~, terminal payment shall be made pursuant to a district school board's policies*, contracts, or rules that* ~~which~~ are in effect on *June 30, 2001* ~~July 1, 1995~~.

c. If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

And the directory language is amended as follows:

On page 1, lines 11-12, remove: all of said lines and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended, and paragraph (e) is added to said subsection to read:

And the title is amended as follows:

On page 1, line 3, insert after the semicolon: limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave;

On motion by Senator Wasserman Schultz, the Senate concurred in the House amendments.

SB 638 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Miller	Posey

Vote after roll call:

Yea—Lawson

Nay to Yea—Posey

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 784, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

House Amendment 1 (375733)(with title amendment)—On page 29, line 23, through page 41, line 2 remove from the bill: all of said lines

And the title is amended as follows:

On page 2, line 23, through page 3, line 26 remove from the title of the bill: all of said lines and insert in lieu thereof: severability; amending s.

On motion by Senator Geller, the Senate concurred in the House amendment.

CS for CS for SB 784 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Klein	Latvala

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 838, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; providing an effective date.

House Amendment 1 (035999)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (3) of section 83.49, Florida Statutes, is amended to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(3)(a) Upon the vacating of the premises for termination of the lease, *if the landlord does not intend to impose a claim on the security deposit,* the landlord shall have 15 days to return the security deposit together with interest if otherwise required, or *the landlord shall have 30 days* ~~in which~~ to give the tenant written notice by certified mail to the tenant's last known mailing address of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of . . . . upon your security deposit, due to . . . . . It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to (landlord's address).

If the landlord fails to give the required notice within the *30-day* ~~15-day~~ period, he or she forfeits the right to impose a claim upon the security deposit.

(b) Unless the tenant objects to the imposition of the landlord's claim or the amount thereof within 15 days after receipt of the landlord's notice of intention to impose a claim, the landlord may then deduct the amount of his or her claim and shall remit the balance of the deposit to the tenant within 30 days after the date of the notice of intention to impose a claim for damages.

(c) If either party institutes an action in a court of competent jurisdiction to adjudicate the party's right to the security deposit, the prevailing party is entitled to receive his or her court costs plus a reasonable fee for his or her attorney. The court shall advance the cause on the calendar.

(d) Compliance with this section by an individual or business entity authorized to conduct business in this state, including Florida-licensed real estate brokers and salespersons, shall constitute compliance with all other relevant Florida Statutes pertaining to security deposits held pursuant to a rental agreement or other landlord-tenant relationship. Enforcement personnel shall look solely to this section to determine compliance. This section prevails over any conflicting provisions in chapter 475 and in other sections of the Florida Statutes, and shall operate to permit licensed real estate brokers to disburse security deposits and deposit money without having to comply with the notice and settlement procedures contained in s. 475.25(1)(d).

Section 2. Subsection (3) of section 83.67, Florida Statutes, is amended to read:

83.67 Prohibited practices.—

(3) No landlord of any dwelling unit governed by this part shall remove the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; nor shall the landlord remove the tenant's personal property from the dwelling unit unless said action is taken after surrender, abandonment, or a lawful eviction. If provided in the rental agreement or a written agreement separate from the rental agreement, upon surrender or abandonment by the tenant, the landlord *is not required to comply with s. 715.104 and is* ~~shall~~ not ~~be~~ liable or responsible for storage or disposition of the tenant's personal property; if provided in the rental agreement there *must* ~~shall~~ be printed or clearly stamped on such rental agreement a legend in substantially the following form:

BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY *CHAPTER 83,* ~~THE~~ FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

For the purposes of this section, abandonment shall be as set forth in s. 83.59(3)(c).

Section 3. Section 715.105, Florida Statutes, is amended to read:

715.105 Form of notice to former tenant.—

(1) A notice to the former tenant which is in substantially the following form satisfies the requirements of s. 715.104:

Notice of Right to Reclaim Abandoned Property

To: (Name of former tenant)
(Address of former tenant)

When you vacated the premises at (address of premises, including room or apartment number, if any), the following personal property remained: (insert description of personal property).

You may claim this property at (address where property may be claimed).

Unless you pay the reasonable costs of storage and advertising, if any, for all the above-described property and take possession of the property which you claim, not later than (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail), this property may be disposed of pursuant to s. 715.109.

(Insert here the statement required by subsection (2))

Dated:. . . . (Signature of landlord)

(Type or print name of landlord)

(Telephone number)

(Address)

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than *$500* ~~$250~~, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

Section 4. Section 715.106, Florida Statutes, is amended to read:

715.106 Form of notice to owner other than former tenant.—

(1) A notice which is in substantially the following form given to a person who is not the former tenant and whom the landlord reasonably believes to be the owner of any of the abandoned personal property satisfies the requirements of s. 715.104:

Notice of Right to Reclaim Abandoned Property

To: (Name)
(Address)

When (name of former tenant) vacated the premises at (address of premises, including room or apartment number, if any), the following personal property remained: (insert description of personal property).

If you own any of this property, you may claim it at (address where property may be claimed). Unless you pay the reasonable costs of storage and advertising, if any, and take possession of the property to which you are entitled, not later than (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail), this property may be disposed of pursuant to s. 715.109.

(Insert here the statement required by subsection (2))

Dated:. . . . (Signature of landlord)

(Type or print name of landlord)

(Telephone number)

(Address)

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than *$500* ~~$250~~, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

Section 5. Subsection (1) of section 715.109, Florida Statutes, is amended to read:

715.109 Sale or disposition of abandoned property.—

(1) If the personal property described in the notice is not released pursuant to s. 715.108, it shall be sold at public sale by competitive bidding. However, if the landlord reasonably believes that the total resale value of the property not released is less than *$500* ~~$250~~, she or he may retain such property for her or his own use or dispose of it in any manner she or he chooses. Nothing in this section shall be construed to preclude the landlord or tenant from bidding on the property at the public sale. The successful bidder's title is subject to ownership rights, liens, and security interests which have priority by law.

Section 6. *(1)(a) Any member of the United States Armed Forces who is required to move pursuant to permanent change of station orders to depart 35 miles or more from the location of a rental premises or who is prematurely or involuntarily discharged or released from active duty with the United States Armed Forces may terminate his or her rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's commanding officer.*

(b) In the event a member of the United States Armed Forces dies during active duty, an adult member of his immediate family may terminate his rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's Commanding Officer.

(2) Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not liable for any other rent or damages due to the early termination of the tenancy except the liquidated damages provided in this section. If a tenant terminates the rental agreement pursuant to this section 14 or more days prior to occupancy, no damages or penalties of any kind are due.

(3) In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the tenant has completed less than 9 months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages must be no greater than 1 month's rent if the tenant has completed less than 6 months of the tenancy as of the effective date of termination, or one-half of 1 month's rent if the tenant has completed at least 6 but not less than 9 months of the tenancy as of the effective date of termination.

(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 7. Subsection (13) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(13) Any property management firm or any owner of an apartment complex for the act of paying a finder's fee or referral fee to an unlicensed person who is a tenant in such apartment complex provided the value of the fee does not exceed $50 per transaction. Nothing in this subsection authorizes an unlicensed person to advertise or otherwise promote the person's services in procuring or assisting in procuring prospective lessees or tenants of apartment units. For purposes of this subsection, "finder's fee" or "referral fee" means a fee paid, credit towards rent, or some other thing of value provided to a person for introducing or arranging an introduction between parties to a transaction involving the rental or lease of an apartment unit. It is a violation of s. 475.25(1)(h) and punishable under s. 475.42 for a property management firm or any owner of an apartment complex to pay a finder's fee or a referral fee to an unlicensed person unless expressly authorized by this subsection.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 2-13, remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must notify a tenant of the intention to impose a claim on a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending ss. 715.105, 715.106, and 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; amending s. 475.011, F.S.; providing an additional exemption for certain activities; providing an effective date.

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 838 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Posey

Vote after roll call:

Yea—Wasserman Schultz

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 850, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

House Amendment 1 (372859)(with title amendment)—On page 3, between lines 22 and 23, of the bill insert:

Section 2. Subsection (1) of section 255.31, Florida Statutes, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by the Florida Building Code and the Florida Fire Prevention Code, which

are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985*; the Governor's mansion and grounds thereof as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street*, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

And the title is amended as follows:

On page 1, line 5, after the semicolon insert: amending s. 255.31, F.S.; authorizing the Department of Management Services to review certain plans for consistency with the Florida Building Code;

On motion by Senator Burt, the Senate concurred in the House amendment.

SB 850 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1258, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

House Amendment 1 (255983)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 394.499, Florida Statutes, is created to read:

394.499 Integrated children's crisis stabilization unit/juvenile addictions receiving facility services.—

(1) Beginning July 1, 2001, the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, is authorized to establish children's behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. By December 31, 2003, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that evaluates the number of clients served, quality of services, performance outcomes, and feasibility of continuing or expanding the demonstration models. Beginning July 1, 2004, subject to approval by the Legislature, the department, in cooperation with the agency, may expand the demonstration models to other areas in the state. The children's behavioral crisis unit demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facility services, to provide emergency mental health and substance abuse services that are integrated within facilities licensed and designated by the agency for children under 18 years of age who meet criteria for admission or examination under this section. The services shall be designated as "integrated children's crisis stabilization unit/juvenile addictions receiving facility services," shall be licensed by the agency as children's crisis stabilization units, and shall meet all licensure requirements for crisis stabilization units. The department, in cooperation with the agency, shall develop standards that address eligibility criteria, clinical procedures, staffing requirements, operational, administrative, and financing requirements, and investigation of complaints for such integrated facility services. Standards that are implemented specific to substance abuse services shall meet or exceed existing standards for addictions receiving facilities.

(2) Children eligible to receive integrated children's crisis stabilization unit/juvenile addictions receiving facility services include:

(a) A person under 18 years of age for whom voluntary application is made by his or her guardian, if such person is found to show evidence of mental illness and to be suitable for treatment pursuant to s. 394.4625. A person under 18 years of age may be admitted for integrated facility services only after a hearing to verify that the consent to admission is voluntary.

(b) A person under 18 years of age who may be taken to a receiving facility for involuntary examination, if there is reason to believe that he or she is mentally ill and because of his or her mental illness, pursuant to s. 394.463:

1. Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. Is unable to determine for himself or herself whether examination is necessary; and

a. Without care or treatment is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

b. There is a substantial likelihood that without care or treatment he or she will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(c) A person under 18 years of age who wishes to enter treatment for substance abuse and applies to a service provider for voluntary admission, pursuant to s. 397.601.

(d) A person under 18 years of age who meets the criteria for involuntary admission because there is good faith reason to believe the person is substance abuse impaired pursuant to s. 397.675 and, because of such impairment:

1. Has lost the power of self-control with respect to substance use; and

2.a. Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; or

b. Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services.

(e) A person under 18 years of age who meets the criteria for examination or admission under paragraph (b) or paragraph (d) and has a coexisting mental health and substance abuse disorder.

(3) The department shall contract for an independent evaluation of the children's behavioral crisis unit demonstration models to identify the most effective ways to provide integrated crisis stabilization unit/juvenile addiction receiving facility services to children. The evaluation shall be reported to the Legislature by December 31, 2003.

(4) The department, in cooperation with the agency, is authorized to adopt rules regarding standards and procedures for integrated children's crisis stabilization unit/juvenile addictions receiving facility services.

Section 2. *Nothing in section 394.499, Florida Statutes, shall be construed to require an existing crisis stabilization unit or juvenile addictions receiving facility to convert to a children's behavioral crisis unit.*

Section 3. Subsections (13) and (14) are added to section 394.66, Florida Statutes, to read:

394.66 Legislative intent with respect to substance abuse and mental health services.—It is the intent of the Legislature to:

(13) Promote best practices and the highest quality of care in contracted alcohol, drug abuse, and mental health services through achievement of national accreditation.

(14) Ensure that the state agencies licensing and monitoring contracted providers perform in the most cost-efficient and effective manner with limited duplication and disruption to organizations providing services.

Section 4. Section 394.741, Florida Statutes, is created to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(1) As used in this section, the term "behavioral health care services" means mental health and substance abuse treatment services.

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure on-site review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4):

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or have those services that are being purchased by the department accredited by CARF—the Rehabilitation Accreditation Commission.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF--the Rehabilitation Accreditation Commission, or the Council on Accreditation of Children and Family Services.

(c) Any network of providers from which the department or the agency purchase behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF--the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

(3) For mental health services, the department and the agency may adopt rules that establish:

(a) Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(b) An on-site monitoring process between 24 months and 36 months after accreditation for nonresidential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(c) An on-site monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(4) For substance abuse services, the department shall conduct full licensure inspections every 3 years and shall develop in rule criteria which would justify more frequent inspections.

(5) The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time. Proof of compliance with fire and health safety standards will be submitted as required by rule.

(6) The department or agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.

(7) The department and the agency shall report to the Legislature by January 1, 2003, on the viability of mandating all organizations under contract with the department for the provision of behavioral health care services, or licensed by the agency or department to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003, on the viability of privatizing all licensure and monitoring functions through an accrediting organization.

(8) The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.

Section 5. Subsection (5) of section 394.90, Florida Statutes, is amended to read:

394.90 Inspection; right of entry; records.—

(5)~~(a)~~ The agency *shall* ~~may~~ accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited *according to the provisions of s. 394.741* and the

agency receives the report of the accrediting organization. ~~The department, in consultation with the agency, shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed, specific criteria for accepting the standards and survey methodologies of an accrediting organization, delineations of the obligations of accrediting organizations to assure adherence to those standards, criteria for receiving, accepting and maintaining the confidentiality of the survey and corrective action reports, and allowance for the agency's participation in surveys.~~

~~(b) The agency shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The agency may conduct a lifesafety inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 6. Subsection (3) of section 397.403, Florida Statutes, is amended to read:

397.403 License application.—

(3) The department shall accept proof of accreditation by *CARF*--the *Rehabilitation Accreditation* Commission ~~on Accreditation of Rehabilitation Facilities (CARF)~~ or the Joint Commission on Accreditation of Health Care Organizations (JCAHCO), or through any other nationally recognized certification process that is acceptable to the department and meets the minimum licensure requirements under this chapter, in lieu of requiring the applicant to submit the information required by paragraphs (1)(a)-(c).

Section 7. Subsection (2) of section 397.411, Florida Statutes, is amended to read:

397.411 Inspection; right of entry; records.—

(2)~~(a)~~ The department *shall* ~~may~~ accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited *according to the provisions of s. 394.741* and the department receives the report of the accrediting organization. ~~The department shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed; specific criteria for accepting the standards and survey methodologies of an accrediting organization; delineations of the obligations of accrediting organizations to assure adherence to those standards; criteria for receiving, accepting, and maintaining the confidentiality of the survey and corrective action reports; and allowance for the department's participation in surveys.~~

~~(b) The department shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The department may conduct a fire, safety, and health inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The department, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 8. Paragraph (a) of subsection (4) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or *CARF--the Rehabilitation Accreditation Commission* ~~the Council on Accreditation of Rehabilitation Facilities (CARF)~~. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed $300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

Section 9. *Behavioral Health Service Delivery Strategies.—*

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that a management structure that places the responsibility for mental health and substance abuse treatment services within a single entity and that contains a flexible funding arrangement will allow for customized services to meet individual client needs and will provide incentives for provider agencies to serve persons in the target population who have the most complex treatment and support needs. The Legislature recognizes that in order for the state's publicly funded mental health and substance abuse treatment systems to evolve into a single well-integrated behavioral health system, a transition period is needed and demonstration sites must be established where new ideas and technologies can be tested and critically reviewed.

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

(a) "Behavioral health services" means mental health services and substance abuse treatment services that are provided with state and federal funds.

(b) "Managing entity" means an entity that manages the delivery of behavioral health services.

(3) SERVICE DELIVERY STRATEGIES.—The Department of Children and Family Services and the Agency for Health Care Administration shall develop service delivery strategies that will improve the coordination, integration, and management of the delivery of mental health and substance abuse treatment services to persons with emotional, mental, or addictive disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high-risk populations, redirect service dollars from restrictive care settings and out-of-date service models to community-based psychiatric rehabilitation services, and reward cost-effective and appropriate care patterns. The Legislature recognizes that the Medicaid, mental health, and substance abuse treatment programs are three separate systems and that each has unique characteristics, including unique requirements for eligibility. To move toward a well-integrated system of behavioral health care services will require careful planning and implementation. It is the intent of the Legislature that the service delivery strategies will be the first phase of transferring the provision and management of mental health and substance abuse treatment services provided by the Department of Children and Family Services and the Medicaid program from traditional fee-for-service and unit-cost contracting methods to risk-sharing arrangements. As used in this section, the term "behavioral health care services" means mental health services and substance abuse treatment services that are provided with state and federal funds.

(4) CONTRACT FOR SERVICES.—

(a) The Department of Children and Family Services and the Agency for Health Care Administration may contract for the provision or management of behavioral health services with a managing entity in at least two geographic areas. Both the Department of Children and Family Services and the Agency for Health Care Administration must contract with the same managing entity in any distinct geographic area where the strategy operates. This managing entity shall be accountable for the delivery of behavioral health services specified by the department and the

agency for children, adolescents, and adults. The geographic area must be of sufficient size in population and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency. Notwithstanding the provisions of section 409.912(3)(b) 1. and 2., Florida Statutes, at least one service delivery strategy must be in one of the service districts in the catchment area of G. Pierce Wood Memorial Hospital.

(b) Under one of the service delivery strategies, the Department of Children and Family Services may contract with a prepaid mental health plan that operates under section 409.912, Florida Statutes, to be the managing entity. Under this strategy, the Department of Children and Family Services is not required to competitively procure those services and, notwithstanding other provisions of law, may employ prospective payment methodologies that the department finds are necessary to improve client care or institute more efficient practices. The Department of Children and Family Services may employ in its contract any provision of the current prepaid behavioral health care plan authorized under section 409.912(3)(a) and (b), Florida Statutes, or any other provision necessary to improve quality, access, continuity, and price. Any contracts under this strategy in Area 6 of the Agency for Health Care Administration or in the prototype region under section 20.19(7), Florida Statutes, of the Department of Children and Family Services may be entered with the existing substance abuse treatment provider network if an administrative services organization is part of its network. In Area 6 of the Agency for Health Care Administration or in the prototype region of the Department of Children and Family Services, the Department of Children and Family Services and the Agency for Health Care Administration may employ alternative service delivery and financing methodologies, which may include prospective payment for certain population groups. The population groups that are to be provided these substance abuse services would include at a minimum: individuals and families receiving family safety services; Medicaid-eligible children, adolescents, and adults who are substance-abuse-impaired; or current recipients and persons at risk of needing cash assistance under Florida's welfare reform initiatives.

(c) Under the second service delivery strategy, the Department of Children and Family Services and the Agency for Health Care Administration shall competitively procure a contract for the management of behavioral health services with a managing entity. The Department of Children and Family Services and the Agency for Health Care Administration may purchase from the managing entity the management services necessary to improve continuity of care and access to care, contain costs, and improve quality of care. The managing entity shall manage and coordinate all publicly funded diagnostic or assessment services, acute care services, rehabilitative services, support services, and continuing care services for persons who meet the financial criteria specified in part IV of chapter 394, Florida Statutes, for publicly funded mental health and substance abuse treatment services or for persons who are Medicaid eligible. The managing entity shall be solely accountable for a geographic area and shall coordinate the emergency care system. The managing entity may be a network of existing providers with an administrative services organization that can function independently, may be an administrative services organization that is independent of local provider agencies, or may be an entity of state or local government.

(d) Under both strategies, the Department of Children and Family Services and the Agency for Health Care Administration may:

1. Establish benefit packages based on the level of severity of illness and level of client functioning;

2. Align and integrate procedure codes, standards, or other requirements if it is jointly determined that these actions will simplify or improve client services and efficiencies in service delivery;

3. Use prepaid per capita and prepaid aggregate fixed-sum payment methodologies; and

4. Modify their current procedure codes to increase clinical flexibility, encourage the use of the most effective interventions, and support rehabilitative activities.

(e) The cost of the managing entity contract shall be funded through a combination of funds from the Department of Children and Family Services and the Agency for Health Care Administration. To operate the managing entity, the Department of Children and Family Services and the Agency for Health Care Administration may not expend more than 10 percent of the annual appropriations for mental health and substance abuse treatment services prorated to the geographic areas and must include all behavioral health Medicaid funds, including psychiatric inpatient funds. This restriction does not apply to a prepaid behavioral health plan that is authorized under section 409.912(3)(a) and (b), Florida Statutes.

(f) Contracting and payment mechanisms for services should promote flexibility and responsiveness and should allow different categorical funds to be combined. The service array should be determined by using needs assessment and best practice models.

(g) Medicaid contracts for Behavioral Health Overlay Services for dependent children or delinquent children will remain fee-for-service. Any provider who currently contracts to provide Medicaid behavioral health services with residential group care facilities under the Family Safety program of the Department of Children and Family Services or with the Department of Juvenile Justice to serve delinquent youth in residential commitment programs shall be included in the network of providers in both service delivery strategies and shall continue the existing staffing arrangements. During the operation of the service delivery strategies, any new behavioral health provider that enters into a contract with residential group care facilities under the Family Safety program of the Department of Children and Family Services or with the Department of Juvenile Justice for delinquent youth in residential commitment programs shall also be included in the network.

(5) STATEWIDE ACTIONS.—If Medicaid appropriations for Community Mental Health Services or Mental Health Targeted Case Management are reduced in fiscal year 2001-02, the agency and the department shall jointly develop and implement strategies that reduce service costs in a manner that mitigates the impact on persons in need of those services. The agency and department may employ any methodologies on a regional or statewide basis necessary to achieve the reduction, including but not limited to use of case rates, prepaid per capita contracts, utilization management, expanded use of care management, use of waivers from the Health Care Financing Administration to maximize federal matching of current local and state funding, modification or creation of additional procedure codes, and certification of match or other management techniques.

(6) GOALS.—The goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or substance abuse disorder and will require extended services in order to recover from their illness, or who need brief treatment or supportive interventions to avoid a crisis or disability. Other goals of the models include the following:

(a) Improve accountability for a local system of behavioral health care services to meet performance outcomes and standards.

(b) Assure continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system.

(c) Provide early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.

(d) Improve assessment of local needs for behavioral health services.

(e) Improve the overall quality of behavioral health services through the use of best practice models.

(f) Demonstrate improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, and criminal justice.

(g) Provide for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.

(h) Control the costs of services without sacrificing quality of care.

(i) Coordinate the admissions and discharges from state mental health hospitals and residential treatment centers.

(j) Improve the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.

(k) Promote specialized behavioral health services to residents of assisted living facilities.

(l) Reduce the admissions and the length of stay for dependent children in residential treatment centers.

(m) Provide services to abused and neglected children and their families as indicated in court-ordered case plans.

(7) ESSENTIAL ELEMENTS.—

(a) The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of chapters 394 and 397, Florida Statutes, and to assure the provision of comprehensive behavioral health services. The network of providers shall include, but is not limited to, mental health centers, substance abuse treatment providers, hospitals, licensed psychiatrists, licensed psychiatric nurses, and mental health professionals licensed under chapter 490 or chapter 491, Florida Statutes. A behavioral health client served by the network under the service delivery strategies may reside in his or her own home or in settings including, but not limited to, assisted living facilities, skilled nursing facilities, foster homes, or group homes.

(b) The target population to be served in the service delivery strategies must include children, adolescents, and adults who fall into the following categories:

1. Adults in mental health crisis;

2. Older adults in crisis;

3. Adults with serious and persistent mental illness;

4. Adults with substance abuse problems;

5. Adults with forensic involvement;

6. Older adults with severe and persistent mental illness;

7. Older adults with substance abuse problems;

8. Children and adolescents with serious emotional disturbances as defined in section 394.492(6), Florida Statutes;

9. Children with substance abuse problems as defined in section 397.93(2), Florida Statutes;

10. Children and adolescents in state custody pursuant to chapter 39, Florida Statutes; and

11. Children and adolescents in residential commitment programs of the Department of Juvenile Justice pursuant to chapter 985, Florida Statutes.

(c) The service delivery strategies must include a continuing care system for persons whose clinical and functional status indicates the need for these services. These persons will be eligible for a range of treatment, rehabilitative, and support services until they no longer need the services to maintain or improve their level of functioning. Given the long-term nature of some mental and addictive disorders, continuing care services should be sensitive to the variable needs of individuals across time and shall be designed to help assure easy access for persons with these long-term problems. The Department of Children and Family Services shall develop criteria for the continuing care program for behavioral health services.

(d) A local body or group must be identified by the district administrator of the Department of Children and Family Services to serve in an advisory capacity to the behavioral health service delivery strategy and must include representatives of the local school system, the judicial system, county government, public and private Baker Act receiving facilities, and law enforcement agencies; a consumer of the public behavioral health system; and a family member of a consumer of the publicly funded system. This advisory body may be the community alliance established under section 20.19(6), Florida Statutes, or any other suitable established local group.

(e) The managing entity shall ensure that written cooperative agreements are developed among the judicial system, the criminal justice system, and the local behavioral health providers in the geographic area which define strategies and alternatives for diverting, from the criminal justice system to the civil system as provided under part I of chapter 394, Florida Statutes, or chapter 397, Florida Statutes, persons with behavioral health problems who are arrested for a misdemeanor. These agreements must also address the provision of appropriate services to persons with behavioral health problems who leave the criminal justice system.

(f) Managing entities must submit data to the Department of Children and Family Services and the Agency for Health Care Administration on the use of services and the outcomes for all enrolled clients. Managing entities must meet performance standards developed by the Agency for Health Care Administration and the Department of Children and Family Services related to:

1. The rate at which individuals in the community receive services, including persons who receive followup care after emergencies.

2. Clinical improvement of individuals served, clinically and functionally.

3. Reduction of jail admissions.

4. Consumer and family satisfaction.

5. Satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, and others as appropriate for the locality.

(g) The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid-enrolled strategy participants. The agency shall take no action to implement a certified match program without ensuring that the consultation provisions of chapter 216, Florida Statutes, have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.

(h)1. The Department of Children and Family Services, in consultation with the Agency for Health Care Administration, shall prepare an amendment by October 31, 2001, to the 2001 master state plan required under section 394.75(1), Florida Statutes, which describes each service delivery strategy, including at least the following details:

a. Operational design;

b. Counties or service districts included in each strategy;

c. Expected outcomes; and

d. Timeframes.

2. The amendment shall specifically address the application of each service delivery strategy to substance abuse services, including:

a. The development of substance abuse service protocols;

b. Credentialing requirements for substance abuse services; and

c. The development of new service models for individuals with co-occurring mental health and substance abuse disorders.

3. The amendment must specifically address the application of each service delivery strategy to the child welfare system, including:

a. The development of service models that support working with both children and their families in a community-based care system and that are specific to the child welfare system.

b. A process for providing services to abused and neglected children and their families as indicated in court-ordered case plans.

(8) MONITORING AND EVALUATION.—The Department of Children and Family Services and the Agency for Health Care Administration shall provide routine monitoring and oversight of and technical assistance to the managing entities. The Louis de la Parte Florida Mental Health Institute shall conduct an ongoing formative evaluation of each strategy to identify the most effective methods and techniques used to manage, integrate, and deliver behavioral health services. The entity conducting the evaluation shall report to the Department of Children and

Family Services, the Agency for Health Care Administration, the Executive Office of the Governor, and the Legislature every 12 months regarding the status of the implementation of the service delivery strategies. The report must include a summary of activities that have occurred during the past 12 months of implementation and any problems or obstacles that prevented, or may prevent in the future, the managing entity from achieving performance goals and measures. The first status report is due January 1, 2002. After the service delivery strategies have been operational for 1 year, the status report must include an analysis of administrative costs and the status of the achievement of performance outcomes. Upon receiving the annual report from the evaluator, the Department of Children and Family Services and the Agency for Health Care Administration shall jointly make any recommendations to the Executive Office of the Governor regarding changes in the service delivery strategies or in the implementation of the strategies, including timeframes.

Section 10. *Behavioral Health Services Integration Workgroup.—*

(1) The Secretary of Children and Family Services shall establish the Behavioral Health Services Integration Workgroup, which, at a minimum, shall include representatives from the following: Department of Juvenile Justice, the Department of Corrections, and the Department of Education; the Office of Drug Control Policy; the Agency for Health Care Administration; and county jails, homeless coalitions, county government, providers of behavioral health services, public and private Baker Act receiving facilities, providers of child protection services, assisted living facilities serving behavioral health clients, and consumers of behavioral health services and their families. The Behavioral Health Services Integration Workgroup shall assess barriers to the effective and efficient integration of mental health and substance abuse treatment services across various systems, propose solutions to these barriers, and ensure that plans for mental health and substance abuse treatment services which are required by statute consider these solutions. Under chapter 216, Florida Statutes, the Department of Children and Family Services may transfer up to $200,000 to support the Behavioral Health Services Integration Workgroup.

(2) The Behavioral Health Services Integration Workgroup shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, regarding the Workgroup's progress toward achieving the goals specified in subsection (1).

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to substance abuse and mental health services; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; requiring the accreditation of certain entities to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the Department of Children and Family Services and the Agency for Health Care Administration be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; preserving the right of the department and agency to perform inspections, including contract monitoring; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403 and 409.1671, F.S.; revising the name of the Commission on Accreditation of Rehabilitation Facilities; providing legislative findings with respect to providing mental health and substance abuse treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance abuse treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; requiring certain contracts for overlay services remain fee-for-services; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; providing an effective date.

On motion by Senator Mitchell, the Senate concurred in the House amendment.

CS for CS for SB 1258 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1424, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

House Amendment 1 (412311)—In the title, on page 1, line 5, remove from the bill: 475.22 and insert in lieu thereof: 475.622

On motion by Senator Posey, the Senate concurred in the House amendment.

SB 1424 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Wasserman Schultz

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1684, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

House Amendment 1 (950359)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *Transition to Teaching Program; Legislative intent.—The Transition to Teaching Program is created to encourage and assist mid-career professionals who want to become teachers.*

Section 2. *Grants; eligible applicants.—*

(1) The Commissioner of Education shall design the process for receiving and evaluating grant proposals in accordance with state and federal appropriations guidelines. Grants may be awarded only to the extent that funding is provided.

(2) The Commissioner of Education shall request proposals from eligible applicants to participate in the program. Each application must:

(a) Describe the target group of career-changing professionals upon which the applicant will focus in carrying out its program, including a description of the characteristics of the target group that shows how the knowledge and experience of its members are likely to improve their ability to become effective teachers.

(b) Describe how the applicant will identify and recruit program participants.

(c) Describe how the applicant will ensure that program participants are placed and teach in eligible school districts in this state.

(d) Describe the teacher support services that program participants will receive throughout at least their first year of teaching.

(e) Describe how the applicant will collaborate with other institutions, agencies, or organizations to recruit, train, place, and support program participants, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program.

(3) The Commissioner of Education must require an evaluation process to measure the progress and effectiveness of the program. This evaluation must include:

(a) The program's goals and objectives.

(b) The performance indicators that the applicant will use to measure the program's progress.

(c) The outcome measures that will be used to determine the program's effectiveness.

(d) An assurance that the applicant will provide the commissioner with information the commissioner finds necessary to determine the overall effectiveness of the programs.

Section 3. *Program implementation; authorized expenditures.—*

(1) An applicant shall estimate the funds required for the proposed program. All funds provided for a program must be used as authorized in federal guidelines.

(2) Eligible applicants are encouraged to implement the program using the following components:

(a) Recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that will train, place, and support them in the teaching profession.

(b) Assisting providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching.

(c) Placement activities, including identifying eligible local education agencies with a need for the skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those school districts.

(d) Post-placement support activities for program participants.

Section 4. *Eligible participants; requirements for grant repayment.—*

(1) Each participant who receives a grant from the program to pursue a teacher-preparation program must agree to teach in an eligible school district in this state for at least 3 years after certification. To be eligible, a school district must meet the requirements established in regulations that implement the Omnibus Appropriations Bill of 2000.

(2) The commissioner shall establish conditions under which a participant must repay all or a portion of the training stipend if the participant fails to complete his or her service obligation.

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, remove the entire title from the bill and insert in lieu thereof: An act relating to teacher recruitment; creating the Transition to Teaching Program; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

On motion by Senator Klein, the Senate concurred in the House amendment.

CS for SB 1684 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Vote after roll call:

Yea—Constantine

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1766, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

House Amendment 1 (435285)(with title amendment)—On page 1, line 21 through page 4, line 6, remove from the bill: all of said lines

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendment.

SB 1766 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2042, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

House Amendment 1 (255577)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (18) through (27) of section 482.021, Florida Statutes, are redesignated as subsections (19) through (28), respectively, and a new subsection (18) is added to that section, to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(18) "New construction" means the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Subsection (6) is added to section 482.051, Florida Statutes, to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(6) That the department may issue an immediate stop-use or stop-work order for fumigation performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use a required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

Section 3. Section 482.0815, Florida Statutes, is created to read:

482.0815 Permit to perform preventive termite treatment services for new construction only.—

(1) A licensee must have a permit to perform preventive termite treatments for new construction, except for preventive termite treatments on additions to existing structures for which the licensee has a current termite treatment contract.

(2) A permit shall be automatically renewed upon renewal of the license held by the licensee, unless the permit has been suspended, revoked, or otherwise denied.

(3) A permit shall be probationary for 120 days after a licensee is found to be in violation of s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, and treatment areas, except for provisions governing recordkeeping. A licensee whose permit is on probationary status must provide advance notice to the department of any preventive treatment planned for new construction.

(4) A licensee's permit shall be suspended for a 30-day to 90-day period if:

(a) The licensee whose permit is on probationary status violates s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, or treatment areas, except for provisions governing recordkeeping, at three or more sites on three or more separate dates;

(b) The licensee violates s. 482.051(3) or a rule with respect to three contracts within 2 years and the violation is failure to comply with contractual obligations to re-treat a wood-destroying-organism infestation or

to repair damage caused by wood-destroying organisms when required by the contract. If a licensee makes a good-faith offer to repair damage covered by a valid contract, the licensee must be considered to be in compliance with the contractual obligation;

(c) The licensee violates subsection (9); or

(d) The licensee violates the recordkeeping requirements of s. 482.051(5) three or more times within 2 years.

(5) A suspended permit may be reinstated after the period of the suspension if the licensee's license is in good standing.

(6) The permit of a licensee whose permit has been suspended within the previous 3 years shall be revoked if the licensee subsequently meets any of the conditions of subsection (4).

(7) The department may not issue a permit or renew the permit to perform preventive termite treatments if the applicant or licensee or any of its directors, officers, owners, or general partners are or were directors, officers, owners, or general partners of a pest control business that went out of business or sold the business within 5 years immediately preceding the date of application or renewal and failed to reimburse the prorated renewal fee of any customer's remaining wood-destroying-organism contract periods or failed to provide for another licensed pest control operator to assume its existing wood-destroying-organism contract responsibility.

(8) A licensee must conspicuously display its current permit at all business locations, each of which must have a separate permit.

(9) A licensee holding a permit must maintain accurate records of all pesticides purchased, obtained, or available for its use; the total amount of the area treated using soil applied termiticides; and the total number of sites treated using this and any other method of treatment. These records must be made available to the department upon request. The amount of pesticides purchased, obtained, or otherwise available must at least equal the amount required by the pesticide label to treat the area or number of sites treated.

(10) The department shall suspend the license of any licensee who performs preventive termite treatments for new construction while its permit is suspended or revoked.

(11) The department shall adopt rules necessary to administer this section.

Section 4. Subsection (10) is added to section 482.091, Florida Statutes, to read:

482.091 Employee identification cards.—

(10) In addition to the training required by s. 482.091(3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

Section 5. Paragraph (b) of subsection (2) of section 482.132, Florida Statutes, is amended to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for a pest control operator's certificate must possess the minimum qualifications specified in one of the following paragraphs:

(b) A degree with advanced training or a major in entomology, botany, agronomy, or horticulture from a recognized college or university, which training or major included the completion of at least 20 semester hours or 30 quarter hours of college credits in those subjects, plus 1 year's employment as a service employee of a licensee that performs pest control in the category or categories in which the applicant seeks certification *or the successful completion of a 1-year entomology program at a public university in this state which specializes in urban pest management and includes practical pest management experience*. If such advanced training or major is in entomology, the applicant is qualified for examination in all categories; but if such advanced training or major is in botany, agronomy, or horticulture, the applicant is qualified for examination only in the category of lawn and ornamental pest control.

Section 6. Subsection (4) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(4) Any charge of a violation of this chapter or of the rules adopted pursuant to this chapter by a licensee affects only the license *or permit* of the business location from which the violation is alleged to have occurred. Another license *or permit* may not be issued to the same licensee, or to any person who has an ownership interest in the suspended or revoked business license of the licensee and who knew or should have known of the violation that resulted in the suspension or revocation, for a new business location in the same county or any contiguous county for a period of 3 years after the effective date of the suspension or revocation.

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) Regulations that:

1. Require, for multi-complex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)~~(c)~~ Protection of wellhead protection areas and high recharge areas.

(e)~~(d)~~ Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)~~(e)~~ Hazardous material unlawful discharge and disposal.

(g)~~(f)~~ Hazardous materials remediation.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 3-24, remove from the title of the bill: all of said lines and insert in lieu thereof: amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest control regulation; providing an effective date.

On motion by Senator Bronson, the Senate concurred in the House amendment.

CS for SB 2042 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 2156, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term "end-stage condition"; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

House Amendment 1 (491499)(with title amendment)—On page 6, between lines 6 and 7, insert:

Section 5. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) *Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician.* ~~When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.~~

And the title is amended as follows:

On page 1, line 15, after the semicolon insert: amending s. 765.1103, F.S.; directing certain health care providers and practitioners to comply with a request for pain management or palliative care from a patient under certain circumstances;

On motion by Senator Klein, the Senate concurred in the House amendment.

CS for CS for SB 2156 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 2240, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term "additive product"; redefining the terms "motor vehicle service agreement" and "salesperson"; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s.

634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

House Amendment 1 (543585)—On page 31, line 26, remove from the bill: *20* and insert in lieu thereof: *120*

On motion by Senator Garcia, the Senate concurred in the House amendment.

SB 2240 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 374, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term "direct-support organization"; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

House Amendment 2 (501593)(with title amendment)—On page 11, between lines 13 and 14, insert:

Section 9. Subsection (3) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305*;*, except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent*, and a guardian ad litem not related to the patient must be appointed to represent the patient's interests*.

Section 10. Paragraph (f) is added to subsection (4) of section 744.3215, Florida Statutes, to read:

(f) Consent to or otherwise direct on behalf of the ward to withdraw or withhold life-prolonging procedures. Any authority exercised under this paragraph must comply with chapter 765.

And the title is amended as follows:

On page 2, line 3, after the semicolon insert: amending s. 765.401, F.S.; requiring appointment of a guardian ad litem when a proxy seeks to withhold or withdraw life-prolonging procedures; amending s. 744.3215, F.S.; providing that a guardian must seek court approval to withdraw or withhold life-prolonging procedures;

On motion by Senator Carlton, the Senate refused to concur in the House amendment to **CS for CS for SB 374** and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Smith

BILLS ON THIRD READING, continued

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising the membership of and the procedures governing the appointment of members to each judicial nominating commission; prohibiting justices and judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; requiring the Governor to seek to ensure racial, ethnic, and gender diversity of the membership; requiring consideration of county representation on circuit judicial nominating commissions; providing for suspension of members for cause; prescribing quorum requirements; requiring the Executive Office of the Governor to provide administrative support and to adopt rules; amending s.

112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Cowin, **CS for HB 367** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—10

Dawson	Holzendorf	Miller	Rossin
Dyer	Jones	Mitchell	Wasserman Schultz
Geller	Meek		

MOTIONS

On motion by Senator Campbell, the rules were waived and by two-thirds vote **CS for HB 415** was placed on the Special Order Calendar and taken up instanter.

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—which was previously considered and amended May 3. Pending **Amendment 3 (304386)** by Senator Garcia was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 4 (105046)—On page 46, line 27 through page 47, line 2, delete those lines and insert:

13. Under section 63.165, Florida Statutes, the State of Florida maintains a registry of adoption information. Information about the registry is available from the Department of Children and Family Services.

Amendment 5 (755690)—On page 59, lines 5-9, delete those lines and insert:

paternity of the minor; and

(g) Any person the mother has reason to believe may be the father.

Amendment 6 (100822)—On page 61, lines 8-15, delete those lines and insert:

(n) Search of one Internet databank locator service; and

(o) Information held by all medical providers who rendered medical treatment or care to the birth mother and child, including the identity and location information of all persons listed by the mother as being financially responsible for the uninsured expenses of treatment or care and all persons who made any such payments.

On motion by Senator Campbell, by two-thirds vote **CS for HB 415** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Posey	Sanderson

Vote after roll call:

Yea—Dawson

Yea to Nay—Villalobos

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (103810)** by Senator Holzendorf was withdrawn.

SENATOR SILVER PRESIDING

On motion by Senator Burt, **CS for SB 978** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Holzendorf	Miller

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon quality assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust

Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Smith, **CS for CS for HB 267** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Latvala, by unanimous consent—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—as amended May 3 was taken up out of order and read the third time by title.

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

Amendment 2 (774290)(with title amendment)—On page 4, between lines 16 and 17, insert:

Section 8. *The sum of $500,000 in nonrecurring revenue is appropriated from the General Revenue Fund to the Department of Environmental Protection to facilitate the development of a uniform fiscal impact analysis model to assist local governments to evaluate the cost of infrastructure to support development.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: providing an appropriation to the Department of Environmental Protection to develop a model to analyze infrastructure costs;

On motion by Senator Latvala, **CS for HB 589** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Smith, **CS for SB 1246** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Dyer

Vote after roll call:

Yea—King

SB 1382—A bill to be entitled An act relating to real estate brokers; creating s. 475.015, F.S.; clarifying applicability of ch. 475, F.S., to a broker acting as a trustee or in a fiduciary capacity; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Laurent, **SB 1382** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires;

amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; requiring the commission to make recommendations with respect to unregulated and unsanctioned boxing competitions; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the commission to adopt rules relating to blood tests; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1234** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Brown-Waite, **CS for HB 161** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 421** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for HB 501** was deferred.

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rulemaking by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1342** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Smith	Villalobos	Wasserman Schultz	Webster
Sullivan			

Nays—None

CS for CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator King, **CS for CS for SB 2066** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **HB 625** and **HB 1471** was deferred.

SB 20—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, Sean Ryan Calderon, and Lily Ann Calderon; authorizing and directing Miami-Dade County to compensate them for the death of Roberto Luis Calderon which was caused by the negligence of a Miami-Dade County employee; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Villalobos, **SB 20** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

King	Webster

Vote after roll call:

Yea—Diaz de la Portilla

SB 2216—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rulemaking authority; providing a deadline for implementation; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **SB 2216** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 821** was withdrawn from the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 821—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

—a companion measure, was substituted for **SB 50** and read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 821** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Cowin	King	Webster

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303,

230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Posey, the Senate reconsidered the vote by which **Amendment 2 (304148)** was adopted.

Senator Posey moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (062556)—On page 2, lines 2 and 3, delete those lines and insert: *members.*

Amendment 2 as amended was adopted by two-thirds vote.

THE PRESIDENT PRESIDING

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

Amendment 3 (942762)(with title amendment)—On page 41, line 12 through page 42, line 3, delete those lines and insert:

Section 43. *The following councils, created pursuant to ss. 570.0705, Florida Statutes, and chapter 90-487, Laws of Florida, are abolished:*

(1) Florida City State Farmers Market Advisory Committee.

(2) Fort Myers State Farmers Market Advisory Council.

(3) Fort Pierce State Farmers Market Advisory Council.

(4) Gadsden County State Farmers Market Advisory Council.

(5) Immokalee State Farmers Market Advisory Council.

(6) Nitrate Bill Best Management Practices Advisory Group.

(7) Palatka State Farmers Market Advisory Council.

(8) Plant City State Farmers Market Advisory Council.

(9) Pompano Beach Farmers Market Authority.

(10) Sanford State Farmers Market Advisory Council.

(11) Seed Potato Advisory Council.

(12) Starke State Farmers Market Advisory Council.

(13) Suwannee Valley State Farmers Market Advisory Council.

(14) Trenton State Farmers Market Advisory Council.

(15) Tropical Soda Apple Task Force.

(16) Wauchula State Farmers Market Advisory Council.

Section 44. *Section 290.049, Florida Statutes, is repealed.*

Section 45. Subsection (7) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(7) Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 23 through page 5, line 10, delete those lines and insert: Vehicles; abolishing the Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; repealing s. 290.049, F.S., relating to the Community Development

Block Grant Advisory Council; amending s. 290.048, F.S.; establishing an advisory committee; providing effective dates.

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

Amendment 4 (875624)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. *Notwithstanding the repeal contained in HB 1717, as enacted by the 2001 Regular Session of the Legislature, sections 570.40 and 570.41, Florida Statutes, are reenacted.*

Section 45. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (2) of section 20.14, Florida Statutes, is reenacted to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(a) Administration.

(b) Agricultural Environmental Services.

(c) Animal Industry.

(d) Aquaculture.

(e) Consumer Services.

(f) Dairy Industry.

(g) Food Safety.

(h) Forestry.

(i) Fruit and Vegetables.

(j) Marketing and Development.

(k) Plant Industry.

(l) Standards.

Section 46. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.29, Florida Statutes, is reenacted to read:

570.29 Departmental divisions.—The department shall include the following divisions:

(1) Administration.

(2) Agricultural Environmental Services.

(3) Animal Industry.

(4) Aquaculture.

(5) Consumer Services.

(6) Dairy Industry.

(7) Food Safety.

(8) Forestry.

(9) Fruit and Vegetables.

(10) Marketing and Development.

(11) Plant Industry.

(12) Standards.

Section 47. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.18, Florida Statutes, is reenacted to read:

570.18 Organization of departmental work.—In the assignment of functions to the 12 divisions of the department created in s. 570.29, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other 11 divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. 570.29 are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 48. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.50, Florida Statutes, is reenacted to read:

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

(1) Enforcing those provisions of chapter 585, and the rules adopted under that chapter, relating to the inspection of meat and the antemortem and postmortem inspection of poultry.

(2) Conducting those general inspection activities relating to food and food products being processed, held, or offered for sale in this state and enforcing those provisions of chapters 500, 501, 502, 503, 531, 583, 585, 586, and 601 relating to foods as authorized by the department.

(3) Analyzing samples of foods offered for sale in this state as required under chapters 500, 501, 502, 503, 585, 586, and 601.

(4) Investigating, evaluating, and developing new or improved methodology to enhance the analytical capability and efficiency of all divisional laboratories and performing other related analyses as deemed necessary.

(5) Analyzing food and feed samples offered for sale in the state for chemical residues as required under the adulteration sections of chapters 500 and 580.

Section 49. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (1) of section 570.51, Florida Statutes, is reenacted to read:

570.51 Director; qualifications; duties.—

(1) The director of the Division of Food Safety shall be appointed by the commissioner to serve at the commissioner's pleasure.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: reenacting ss. 570.40, 570.41, F.S., relating to the Division of Dairy Industry, notwithstanding a repeal; reenacting ss. 20.14(2), 570.29, 570.18, 570.50, 570.51(1), F.S.; reestablishing the Division of Dairy Industry;

SENATOR ROSSIN PRESIDING

On motion by Senator Posey, **CS for HB 501** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Holzendorf

Vote after roll call:

Yea—King

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; providing for a temporary rate reduction; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for committee responsibilities; requiring the agency to publish the preferred drug formulary; providing for a hearing process; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing for the distribution of County Health Department Trust Funds; requiring the certificate-of-need workgroup to review and make recommendations regarding specified regulations; providing for a temporary rate reduction; providing for an exemption from review for transfer of certain beds and services to a satellite facility; providing for future repeal; providing an appropriation; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing effective dates.

—as amended May 3 was read the third time by title.

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

Amendment 1 (735674)(with title amendment)—On page 13, line 16 through page 15, line 19, delete those lines and insert:

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall ~~apply only to fiscal year 2000-2001 and shall~~ be implemented to the extent existing appropriations are available. ~~The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

And the title is amended as follows:

On page 1, lines 27 and 28, delete those lines and insert: 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; revising standards, guidelines, and

Amendment 2 (153646)(with title amendment)—On page 66, between lines 2 and 3, insert:

Section 16. *The Legislature determines and declares that this act fulfills an important state interest.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 19, after the second semicolon (;) insert: amending s. 408.036, F.S.; exempting specified projects from required review by the Agency for Health Care Administration; providing that the act fulfills an important state interest;

On motion by Senator Silver, **CS for CS for SB 792** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

SPECIAL RECOGNITION

Senator King presented Senator Silver with a University of Miami license plate that had been personalized to read "Dean of the Legislature." Senator Silver expressed his appreciation to the Senate.

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 904** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Campbell	Villalobos

THE PRESIDENT PRESIDING

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **HB 625** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 1471** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist

The Senate resumed consideration of—

CS for SB 348—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—which was previously considered and amended with pending **Amendment 2 (493372)** by Senator Campbell and substitute **Amendment 3 (723792)** by Senator Campbell. **Amendment 3** was withdrawn.

Senator Campbell moved the following substitute for **Amendment 2** which was adopted by two-thirds vote:

Amendment 4 (843900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) is repealed and paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board *of Barbering and Cosmetology*, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

9.~~10.~~ Board of Landscape Architecture, created under part II of chapter 481.

10.~~11.~~ Board of Pilot Commissioners, created under chapter 310.

11.~~12.~~ Board of Professional Engineers, created under chapter 471.

12.~~13.~~ Board of Professional Geologists, created under chapter 492.

13.~~14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

14.~~15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or* fewer ~~than five~~ members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

~~(7) No board, with the exception of joint coordinatorships, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter* ~~Sections 326.001-326.006~~ may be cited as the "Yacht and Ship Brokers' Act."

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter* ~~ss. 326.001-326.006~~, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) *"Department"* ~~"Division"~~ means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The *department* ~~division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter* ~~ss. 326.001-326.006~~.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter* ~~ss. 326.001-326.006~~ against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The *department* ~~division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The *department* ~~division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed $500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the *department* ~~division~~ in *this chapter* ~~ss. 326.001-326.006~~.

(6) The *department* ~~division~~ may deny a license *or license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the *department* ~~division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the *department* ~~division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of $25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department* ~~division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department* ~~division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter* ~~ss. 326.001-326.006~~. When the *department* ~~division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department* ~~division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department* ~~division~~ a bond or equivalent securities in the sum of $10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter* ~~ss. 326.001-326.006~~ which results in any action being commenced on the bond or letter of credit, the *department* ~~division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department* ~~division~~ that it is no longer the surety for a licensee, the *department* ~~division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department* ~~division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The *department* ~~division~~

shall establish by rule a fee not to exceed $100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department* ~~division~~ for cancellation.

(15) The *department* ~~division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement *and the Federal Bureau of Investigation conduct* ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department* ~~division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may* ~~division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department* ~~division~~ has the following powers and duties:

(a) The *department* ~~division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department* ~~division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the *department* ~~division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department* ~~division director~~ or any officer or employee designated by the *secretary* ~~division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department* ~~investigating officer~~ and upon reasonable notice to all persons affected thereby, the *department* ~~division~~ may apply to the circuit court for an order compelling compliance*, may impose a civil penalty, and may suspend or revoke the licensee's license*.

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department* ~~division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department* ~~division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department* ~~division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department* ~~division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department* ~~division~~ will carry out the purposes of this chapter.

3. The *department* ~~division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department* ~~division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the *department* ~~division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the *department* ~~division~~ must be brought in the county in which the *department* ~~division~~ has its executive offices or in the county where the violation occurred.

(e) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such*

regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force*, it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect*. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule*. Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) *"Registration"* ~~"License"~~ means a *registration* ~~license~~ issued by the department ~~of Business and Professional Regulation~~ to carry on the business of a talent agency under this part.

(11) *"Registrant"* ~~"Licensee"~~ means a talent agency *that* ~~which~~ holds a valid unrevoked and unforfeited *registration* ~~license~~ issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency* ~~Duties of the department; authority to issue and revoke license~~; adoption of rules.—

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has~~:

(a) Obtained or attempted to obtain *a registration* ~~any license~~ by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of~~ law.

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department~~.

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department~~.

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with ~~another licensee or with~~ any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

(2)~~(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this part.

(3)~~(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

(4)~~(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may ~~take the following actions~~:

(a) Deny an application for *registration* ~~licensure~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c) Impose an administrative fine, not to exceed $5,000, for each count or separate offense.~~

~~(d) Require restitution.~~

~~(e) Issue a public reprimand.~~

~~(f) Place the licensee on probation, subject to such conditions as the department may specify.~~

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

(5)~~(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed $300~~, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant~~. Each application for a change of

operator must be accompanied by an application fee of $150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)~~(4)~~ Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)~~(c)~~ The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)~~(6)~~ If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)~~(7)~~ If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* ~~licensee's~~ office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)~~(9)~~ If any information in the application supplied to the department by the applicant or *registrant* ~~licensee~~ changes in any manner whatsoever, the applicant or *registrant* ~~licensee~~ shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* ~~licensee~~.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration* ~~License~~; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* ~~licensing~~, renewal of *registration* ~~license~~, and reinstatement of *registration* ~~license~~, none of which fees shall exceed $400. The department may by rule establish a delinquency fee of no more than $50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* ~~regulation~~ of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* ~~license~~ has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* ~~licensee's~~ good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* ~~license~~ shall be valid to protect any business transacted under any name other than that designated *on* ~~in~~ the *registration* ~~license~~, unless consent is first obtained from the department~~, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department,~~ and unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes. A charge of $25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* ~~license~~ issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* ~~applicant for a license~~ shall *maintain and provide to its artists or potential clients* ~~file with the application~~ an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by *notifying its artists* ~~filing with the department an amended or supplemental schedule~~ at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration* ~~License~~; content; posting.—

(1) The talent agency *registration* ~~license~~ shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* ~~license~~, the full names and titles of the owner and the operator, and the number of the *registration* ~~license~~.

(2) The talent agency *registration* ~~license~~ shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* ~~licensee~~ desires to cancel his or her *registration* ~~license~~, he or she must notify the department and forthwith return to the department the *registration* ~~license~~ so canceled. No *registration* ~~license~~ fee may be refunded upon cancellation of the *registration* ~~license~~.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with* ~~regulated by~~ the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency *requirements* ~~regulations~~.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.~~; and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)~~(4)~~ Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part~~. The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)~~(5)~~ No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)~~(6)~~ No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* ~~licensed~~ name, department *registration* ~~license~~ number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)~~(7)~~ No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)~~(8)~~ No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)~~(9)~~ If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)~~(10)~~ Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* ~~license~~ by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* ~~license~~, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and~~ unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a *registration* ~~license~~ issued under this part.

(c) Failing to show on a *registration* ~~license~~ application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department~~, and which lists the address and telephone number of the department~~.

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or* subsection (2), suspend or revoke the *registration* ~~license~~ of any *person* ~~licensee~~ under this part who has been found guilty of any *violation of subsection (1) or* ~~misdemeanor listed in~~ subsection (2).

(4) *If a* ~~In the event the department or any~~ state attorney *finds* ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of subsection (1) *or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed $1,000~~.

(5) Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed $5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines,~~ fees~~, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the

operation of a talent agency. If any agent, owner, or operator of a *registered* ~~licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency *registration* ~~license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future *registration* ~~licensure~~ as owner or operator of a Florida talent agency.

Section 22. *Sections 468.405 and 468.408, Florida Statutes, are repealed.*

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)*1.* A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, *the forms* ~~a form~~ of *seals* ~~seal~~ to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one* ~~an impression-type metal~~ seal in the form *approved by board rule* ~~aforesaid~~ and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter* ~~ss. 472.001-472.041~~.

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions* ~~Persons not affected by ss. 472.001-472.041~~.—*This chapter does* ~~Sections 472.001-472.041 do~~ not apply to:

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter* ~~the provisions of ss. 472.001-472.041~~.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)~~(a) and (b)~~.

(5)(a) Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

(b) Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.

(c) Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter* ~~ss. 472.001-472.041~~:

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) "Department" means the Department of Business and Professional Regulation.

(3) "Surveyor and mapper" includes the term "professional surveyor and mapper" and means a person who is registered to engage in the practice of surveying and mapping under *this chapter* ~~ss. 472.001-472.041~~. For the purposes of this *subsection* ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) "Practice of surveying and mapping" means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ "Surveyor and mapper intern" includes ~~the term~~ "surveyor-mapper-in-training" and means a person who complies with the requirements *of this chapter* ~~provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ "Responsible charge" means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scriber, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ "License" means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) "Photogrammetric mapper" means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(10) "Subordinate" means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) "Monument" means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) "Legal entity" means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and recordkeeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement *this chapter* ~~ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of *this chapter* ~~ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under *this chapter* ~~ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of *this chapter* ~~ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by *this chapter* ~~ss. 472.001-472.041,~~ and~~,~~ further~~,~~ provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of *this chapter* ~~ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 *Authorization* ~~Surveyors and mappers authorized~~ to enter lands of third parties*;* ~~under certain~~ conditions.—Surveyors and mappers *and their subordinates* may go on, over, and upon the lands of others when necessary to make surveys and maps *or to search for, uncover, locate, or set monuments*, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their *subordinates and* duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry *as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.*~~;~~ However, this section does not

give authority to registrants, *subordinates,* agents, or employees to destroy, injure, damage, or *otherwise* move *any physical improvements* ~~anything~~ on lands of another without the written permission of the landowner. *No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.*

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers*,* ~~and~~ surveyors and mappers*, and other persons* authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of *chapter* ~~ss. 472.001-472.041~~.—

(1) Nothing contained in *this chapter* ~~ss. 472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of *this chapter* ~~ss. 472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of *this chapter* ~~ss. 472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in *this chapter* ~~ss. 472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This *chapter* ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this *chapter* ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board *of Barbering and Cosmetology*.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board *of Barbering and Cosmetology*.—

(1) There is created within the department the ~~Barbers'~~ Board *of Barbering and Cosmetology*, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) *Two* ~~Five~~ members of the board *must* ~~shall~~ be *licensed* barbers who have practiced ~~the occupation of~~ barbering in this state for at least 5 years. *Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years.* The remaining *member must* ~~two members of the board shall~~ be *a resident* ~~citizens~~ of the state who *is* ~~are~~ not presently *a* licensed *barber or cosmetologist* ~~barbers~~. No person *may* ~~shall~~ be appointed to the board who is ~~in any way~~ connected with the manufacture, rental, or wholesale distribution of barber *or cosmetology* equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person *may* ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive *$50 per day, up to a maximum of $2,000 per year, for time spent on board business, plus* per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)~~(6)~~ Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may be~~ necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers *or cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

~~(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)~~(4)~~ The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) "Board" means the Board of *Barbering and* Cosmetology.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers' Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers' Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers' Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed $25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed $50.

(d) For specialists, fees for application and endorsement registration shall not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed $50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for *initial* registration*, registration renewal, and delinquent renewal* shall not exceed $25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States~~, including those schools and colleges accredited by the National Architectural Accreditation Board~~; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties*; injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of *16* ~~18~~ members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a* ~~Two are~~ consumer *member* ~~members~~ who *is* ~~are~~ not, and *has* ~~have~~ never been, *a member* ~~members~~ or *practitioner* ~~practitioners~~ of a profession regulated by the board or *a member* ~~members~~ of any closely related profession; and

(k) *One is a* ~~Two are~~ building *official* ~~officials~~ of a municipality or county.

(l) On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j);~~ and ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; *and* ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(j)~~; and one of the members appointed pursuant to paragraph (2)(k)~~. Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has

submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. *Contractors defined in s. 489.105(3)(a)-(c)* ~~Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).*

Section 60. *Subsection (6) of section 489.507, Florida Statutes, is repealed.*

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by $25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and* ~~applying for certification~~ who~~:~~

~~(a)~~ meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521.~~; or~~

~~(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.—

~~(1) There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

~~(2)~~ All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund *to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.* The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter ~~and the provisions of law with respect to each category of business covered by this trust fund. The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the~~

~~division. This subsection shall operate pursuant to the provisions of s. 215.20~~.

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to $10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the developer. If the developer cannot be located, the clerk shall disburse the money to the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation;~~ mandatory nonbinding arbitration *and mediation; local resolution; exemptions*; legislative findings.—

(1) *APPLICABILITY* ~~DEFINITIONS~~.—

(a) The provisions of subsection (3) apply to ~~As used in this section, the term "dispute" means~~ any disagreement between two or more parties that involves~~:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b)~~ the failure of a governing body, when required by this chapter or an association document, to~~:~~

~~1.~~ properly conduct elections *or to recall a board member*.

(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto; or

b. Alter or add to a common area or element.

2. The failure of a governing body, when required by this chapter or an association document, to:

a.~~2.~~ Give adequate notice of meetings or other actions*;*~~.~~

b.~~3.~~ Properly conduct meetings*; or*~~.~~

c.~~4.~~ Allow inspection of books and records.

~~"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

(2)~~(3)~~ LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding

arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)~~(4)~~ MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall *provide* ~~employ full-time attorneys to act as~~ arbitrators to conduct the arbitration hearings *as required* ~~provided~~ by this chapter. The *department may employ attorneys to act as arbitrators, and the* division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this *chapter* ~~section~~. No person may be employed by the department as *an* ~~a full-time~~ arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) *The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose* ~~Upon referral of a case to mediation~~, *or* the parties *may agree on* ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator *or the division*, the arbitrator *or the division* shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator *or the division may* ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. *The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.* The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the *case was referred to mediation by an arbitrator and the* ~~mediator declares an impasse after a~~ mediation conference *ends in an impasse* ~~has been held~~, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. *If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.* The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and ex-

penses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.

(4) EXEMPTIONS.—A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:

(a) Title to any unit or common element;

(b) The interpretation or enforcement of any warranty;

(c) The levy of a fee or assessment or the collection of an assessment levied against a party;

(d) The eviction or other removal of a tenant from a unit;

(e) Alleged breaches of fiduciary duty by one or more directors; or

(f) Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(5) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and $440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the

public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased

or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building,

the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—

(1) There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the administration and operation of this chapter and chapters 719, 721, and 723 by the division.

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: __(name and address of developer)__.

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events

your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, (Tallahassee address and telephone number of division) .

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall provide for alternative dispute resolution in accordance with s. 718.1255.

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory

statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of $4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 719.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how

such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by __(name of developer)__, the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: __(name and address of developer)__.

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, __(Tallahassee address and telephone number of division)__.

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not

materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and managing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, not to exceed $50,000 annually, to support the projects and proposals undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part *for the obligor*. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)*1.* A successor registered agent is appointed *by the resigning registered agent* and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1)*; or*~~.~~

2. The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a ~~The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the~~ successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association *of the timeshare plan* as to the assessment lien; and

(c)*1. If a successor registered agent is appointed under subparagraph (b)1.,* copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders*; or*~~.~~

2. If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.

(6) If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as

successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.

(8) If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed $5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

(a) The name and address of the condemning authority.

(b) A written or visual description of the property.

(c) The public purpose for which the property is needed.

(d) The appraisal value of the property.

(e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.

(f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regula-

tion may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund established pursuant to s. *718.509* ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other

places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

(c)~~(d)~~ Has completed the application form and remitted an application fee not to exceed $500, ~~an examination fee not to exceed the actual cost for the examination plus $500,~~ an active licensure fee not to exceed $2,000, and all other applicable fees provided for in this part or in chapter 455.

(d)~~(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)~~(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a $15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

(2) An agent contract must state:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.

(6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.

(8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(9) A student-athlete may not waive the right to cancel an agent contract.

(10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point boldfaced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

(11)~~(6)~~ An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.

(12)~~(7)~~ An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227*, and an administrative fine not to exceed $25,000 for each separate offense*. In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;

2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;

3. Provide materially false or misleading information in an application for licensure;

4. Predate or postdate an agent contract;

5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) This part does not restrict rights, remedies, or defenses of any person under law or equity.

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) An athlete agent ~~who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least *5* **4** years from the date of entry. *These records must include, but shall not be limited to:*

(a) The name and address of each individual represented by the athlete agent;

(b) Any agent contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.

Section 116. *Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If *a* ~~the~~ declaration *recorded on or after July 1, 2000, for a condominium operated by a multicondominium association,* as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number "one" and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein,* may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted *pursuant to the provisions contained therein* ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, ~~lease,~~ or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of* ~~cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed *by the association* or received ~~by the association~~ from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws,* the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein,* may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000,* ~~if~~ the declaration for each condominium ~~to be~~ operated by that association *shall provide* ~~provides~~ for participation in a multicondominium, in conformity with this section, and *disclose* ~~discloses~~ or *describe* ~~describes~~:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, ~~AND~~ RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~ IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, *AND* RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If *a* ~~the~~ condominium *created on or after July 1, 2000,* is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 Concessionaires; security.—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; *powers;* organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor,

subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for *referees and other* officials appointed by the commission *or the representative of the commission*.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire,* or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)~~(1)~~ Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)~~(2)~~ Be verified by the applicant.

(c)~~(3)~~ Be complete and have attached to the application any photographs and other exhibits required.

(2)~~(4)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person *or business entity that* ~~who in any jurisdiction~~ has been convicted of any act*, or who has a trustee, partner, officer, director, or owner that has been convicted of any act,* which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person *or business entity that* ~~who~~ has been named in *any* ~~an~~ information or indictment*, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment,* for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission*, or the commission representative,* shall assign to each match *at least one* ~~a~~ physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative* ~~deputy~~ in charge and the referee of the participants' conditions before*,* ~~and~~ during*, and after* the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.*

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the pur-

pose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than *$20,000* ~~$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than *$20,000* ~~$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers* ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing *and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges*; attendance* at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue* subpoenas.—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569.* ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines*; citations*.—

(1) The commission may impose a fine of not more than $5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. *Section 548.045, Florida Statutes, is repealed.*

Section 146. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. *Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation.* The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. *A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance.* The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management

report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 147. Subsection (4) is added to section 473.313, Florida Statutes, to read:

473.313 Inactive status.—

(4) Notwithstanding the provisions of s. 455.271, the board may, at its discretion, reinstate the license of an individual whose license has become null and void if the individual has made a good-faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual shall apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 148. *Notwithstanding any other provision of law, Workforce Florida, Inc., shall develop strategies and policies for incorporating the use of private-sector staffing services firms into the operation of the state's workforce system, in order to reduce duplication in the delivery of workforce services to individuals and employers. Workforce Florida, Inc., shall incorporate provisions relating to the use of such staffing services firms into the strategic plan required under section 445.006, Florida Statutes. In addition, Workforce Florida, Inc., shall develop policies and guidelines for use by the regional workforce boards in fulfilling the ability of the boards to use private-sector staffing services firms to the maximum extent feasible in the one-stop delivery system, pursuant to section 445.009(9), Florida Statutes. In developing the strategies, policies, and guidelines under this section, Workforce Florida, Inc., shall consider the extent to which the use of private-sector staffing services firms could result in more efficient delivery of workforce services, including, but not limited to, the extent to which portions of the one-stop delivery system or specific activities of the one-stop delivery system could be reduced or replaced by activities conducted by such staffing services firms. By January 1, 2002, Workforce Florida, Inc., shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on its progress in fulfilling the requirements and on additional options for the state to increase the use of private-sector staffing services firms in the workforce system. The report shall also include recommendations on whether the membership of the board of Workforce Florida, Inc., and the regional workforce boards should be amended to include representatives from staffing services firms.*

Section 149. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions;

providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing for the use of private sector staffing services firms in the delivery of workforce services; requires the development of policies and guidelines by Workforce Florida, Inc., related to the use of staffing services in the operation of the workforce system; requires a report by Workforce Florida, Inc.; providing effective dates.

On motion by Senator Geller, **CS for SB 348** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist

SB 1022—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state, from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorney's fees under certain circumstances; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (840188)—On page 2, line 7, after "*projects*" insert: *except in charter counties or counties having a population of 500,000 or more*

The vote was:

Yeas—27

Mr. President	Carlton	Dawson	Dyer
Campbell	Clary	Diaz de la Portilla	Geller

Holzendorf	Latvala	Mitchell	Silver
Horne	Lawson	Peaden	Smith
Jones	Lee	Pruitt	Sullivan
King	Meek	Rossin	Wasserman Schultz
Klein	Miller	Saunders	

Nays—9

Bronson	Garcia	Posey	Sebesta
Brown-Waite	Laurent	Sanderson	Villalobos
Cowin			

Vote after roll call:

Yea—Crist

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

Amendment 2 (531590)—On page 2, line 17, after "*organization*" insert: *except in charter counties or counties having a population of 500,000 or more*

Amendment 3 (521576)—On page 2, line 12, after "*projects*" insert: *except in charter counties or counties having a population of 500,000 or more*

On motion by Senator Cowin, further consideration of **SB 1022** as amended was deferred.

The Senate resumed consideration of—

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

—which was previously considered May 3.

Amendments were considered and adopted by two-thirds vote to conform **SB 484** to **CS for HB 1541**.

Pending further consideration of **SB 484** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1541** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

CS for HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 484** as amended and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1541** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crist

REMARKS ON THE CONFERENCE COMMITTEE REPORT ON SB 2000

The President recognized Senator Horne, chairman of the Committee on Appropriations, to discuss the Conference Committee Report on **SB 2000**, the general appropriations bill.

MOTIONS

On motion by Senator Rossin, by two-thirds vote, debate on **SB 2000** was limited to 4 minutes per person with 12 minutes for closing remarks.

On motion by Senator Rossin, the following remarks were ordered spread upon the Journal.

Mr. President: Senator Horne, let's begin on the Appropriations Bill. Senators, we will now take up the Appropriations Bill Conference Report. We will not vote on it until after seven o'clock, but I think we can commence the debate and discussion of the bill at the present time. The Senator from the 6th is recognized to explain the Conference Committee Report on the Appropriations Bill.

Senator Horne: Thank you, Mr. President. I also would like to include the subcommittee chairmen in this process. So if they could prepare to discuss their areas. We believe that we have spent a considerable amount of time producing what we believe is a very good budget. I know there is a lot of talk about the Senate budget that was voted out of here a week or so ago, and now the Conference Report that is before us.

I want to make a couple of points, as we start this process of discussing and debating the bill, that you need to recognize. Because I know there are some, at least the rumors are, that are troubled by the Conference Bill, in terms of a tax cut and a belief that somehow that ended up resulting in reductions in appropriations to some of the key and very critical areas.

Overall, the Conference Report for Senate Bill 2000 contains $446.5 million more than our original Senate bill—$446.5 million more than our original Senate bill. I want to make sure that you hear that loud and clear.

The Senate prevailed in conference in many ways. We added $99.3 million more in education funding than when the bill left the Senate. It included $513 million more in health and human services than when it left the Senate floor. We restored over $5 million of the state court system reductions. We added $12 million additional dollars and 27 new judges to enhance the state courts. In doing so, the Senate held firm in two big areas.

Number one, we would accept nothing less than a four-percent increase in per-student funding. That was one of the most critical issues that was most important to me. I said that I would not go below four percent. We reached an impasse day after day, but I held tight to four percent because that was important to the Senate; it was important to me; and the Senate prevailed and we held to a four-percent increase in per-student funding in that budget.

We also said, and this came directly from the President, very clear all the way down to the subcommittee levels, that no one who is currently receiving Medicaid benefits would lose his or her eligibility or have his or her services reduced. We held our position. I will tell you, it was not easy. It was probably one of the most difficult fights the Senate has had on these two very important priorities. But the Senate prevailed. We held our line. We drew a line in the sand and we said we would not cross that line, and we didn't. We accomplished all this and, yes, we did reach a compromise with the House on its tax reduction package. We all know about that.

The most difficult debate occurred in the beginning process of this conference. Generally, we have no problem reaching allocations and then we would begin the process of conference. Subcommittees work, and then negotiate. They compromise, and they horse-trade dollars for different kinds of programs. But we had a real struggle because the President said no to tax cuts. The Senate budget originally did not include tax cuts. But we also recognized the reality of politics. We know that we have to compromise, and we did. Now, it was not the compromise that we necessarily wanted. The President had to be pushed, pulled, almost had to drag him there. He did not want to do it. He didn't want to compromise on tax cuts. But he also recognized the need to preserve the Medicaid funding for the most needy citizens of Florida.

He also recognized that we have to serve the public schools of this great state. So he was willing, with those points in mind, to compromise on the tax package. It was not something he necessarily wanted to do, but we did it, we compromised. But we also drew the line that we wanted to not only hold our line, we wanted to advance the bill. We were able to do that.

Now, how did we do that? How did we get from where we were, absorb a tax cut, and increase funding in these critical areas? Well, it is not easy. We had to take a long, hard look at all available sources. Clearly, we had some unallocated funds in the budget. Yes, we looked at some more efficiencies and some ways to save some money, to redirect funding. And, yes, we began to maximize the use of trust funds, and we did. It was not an easy job. It was probably one of the most difficult jobs. I have never participated in anything quite so intense in negotiating the front end. Generally, the intensity is on the back end as you try to finally figure out exactly where you are going to spend the dollars.

But I will tell you, once we got past the log jam, the impasse on tax cuts and in the allocation to public schools, which was the last piece of the puzzle, it became the most efficient process I have ever seen and have ever participated in. No one told us, or believed that we could get done in three days. With the House's cooperation, I will tell you, my counterpart was an incredible individual to work with. We have become fast friends, almost like brothers. We share the same philosophies. We knew once we could get past the point of allocations, we could get this job done. The subcommittees worked literally around the clock. Our staff did work around the clock. I have never seen so much work and so much come together in such a short period of time. I think this Senate can be very proud of this work product. Did we get everything we wanted? Did we get most of what we wanted? Absolutely. Can we be proud of it? You bet. I think you can go home and you can hold your head high. This is a product that serves the critical needs of the State of Florida. It is something that we can be proud of.

At this time I would like to let some of the subcommittees share a little bit about what we have accomplished. Senator Sullivan, I think you are first on deck.

Senator Sullivan: Mr. Chairman, I would like to thank the staff, also. When you turned the education budget over to us, I had questions in my mind whether we would be able to pull this together. But working with Representative Lynn and the staff and the members of my committee, we made a good effort. And, much to my surprise, we pretty well finished on time.

This year, the public school funding per student was increased by four percent. I think that you are to be commended, Mr. Chairman, for having held the line on that. That was important to me, too, because I believe that we really need to invest in our public school education as much as we can.

The final conference agreement required the House to increase their FEFP total funds by $213 million. Their initial position was one of no major increase. I think that, by holding this, we did something for all the kids in the State of Florida.

The Senate resisted House efforts for some controversial changes in the school funding formula which would have hurt several of the very large school districts. In addition to the attendance adjustment, they wanted to eliminate funding for dual enrollment and eliminate funding for international baccalaureate programs. These are programs that are very necessary for us to encourage our kids to take the hardest courses and to move through the system as fast as they can, not because we want to get them through the system as fast as they can go, but because we want them to take the best courses, to learn as much as they can, and to move through the system so they can learn even more.

There were also some other House proposals that were eventually dropped. There was a proposal to eliminate the public school technology funding. As you know, technology is important to the educational process in public schools. We resisted that quite strongly. There were also some proposals to change teacher training, which we resisted.

The Senate also refused to proceed to changes in spending priorities to eliminate the extended school year. This is a program that was started two years ago and is just beginning to reach the point where we are going to be able to measure the learning changes. In this program, children go to school 210 days a year. The studies show that the kids that do that have a 30-percent increase in their learning gains within a two-year period. We increased the funding for the Excellent Teaching Program.

For the first time the community colleges really did well. They have been one of the most aggressive organizations in education as far as adapting to changing technology and changing needs in our communities. We increased their funding by $30.3 million.

For the State University System, we moved up $193 million of our original funding. School construction, one of the perennial problems in a growing state like Florida, was increased by $70.7 million above the Senate budget.

All in all, Mr. Chairman, the changes made in the education budget, I'm proud to say, were a great step forward and a great improvement over our initial work project.

Senator Horne: Thank you, Senator Sullivan, for all of your hard work, your dedication, and commitment to education. We could not have done it without your hard work.

Senator Clary will now discuss general government.

Senator Clary: Thank you, Mr. Chairman. I would also like to thank the staff for the incredible work that they did in the general government section. Thank you for your guidance and work on the allocation portion of that. I truly believed that we were going to be here until August, so I was loading up for that but the President worked really hard and got us the allocations that we needed so we could go ahead and move forward. Without the, basically, around-the-clock work that the staff did, we would have never gotten there.

Some of the things that we accomplished in the general government conference, in the funding highlights include over $350 million for acquisition of recreational conservation environmentally sensitive lands, using the second series bond proceeds for Florida Forever and Save Our Rivers funds. We have a $100 million deposit provided for the Save Our Everglades Trust Fund, using $75 million of our encumbered Preservation 2000 funds, and $25 million from Florida Forever bond proceeds. We have $125.6 million dedicated to continued state effort and funding wastewater, stormwater, and surface water projects, $30 million to continual restoration and renourishment of Florida's pristine beaches. It also included the necessary state matching funds to provide a $37 million drinking water facility construction revolving loan program, and $134 million wastewater treatment facility construction program revolving loan program.

In the transportation outreach program, we provided $116 million for high priority products that preserve Florida's transportation infrastructure and enhance mobility across the state. In economic development, we authorized $140.4 million for the various programs with a boost in the funding for military base infrastructure improvements of $5 million, which we believe is critical with the proposed base closures that will probably happen in the next year to two years.

We provided citrus canker eradication funds at $45.2 million, and compensation for destroyed residential trees at $27.5 million. Renovations and expansions of agricultural and livestock facilities were funded at $6.3 million. Funds and positions are authorized for 25 new Fish and Wildlife Conservation Commission law enforcement officers for enhanced manatee protection. Law enforcement overtime for the Highway Patrol was provided at $2 million. $10.9 million was provided for the Florida System improvements and for the implementation of a new automated system to improve child support enforcement operations in the Department of Revenue.

We authorized another $10 million for the Department of Business and Professional Regulation to continue the development of the online licensing system. We provided $2 million to the Department of Military Affairs for armory repairs and maintenance. Over $27 million goes to fund the entire recreation development assistance program. Historical preservation projects, we funded the advisory council's entire list with $17.2 million. Cultural facilities grants: we funded the arts council's entire recommended list with $6.3 million. Grants to counties for voting systems assistance: $20 million. Library operational grants: $34.2 million. The Library Cooperative Grant Program: $1.2 million.

We had marvelous cooperation from the House and my counterpart over there, I actually had two counterparts, which made it a little bit, I guess you would say, doubly difficult, because we had two subcommittees in the House working with our one subcommittee over here. And those are the highlights, Mr. Chairman.

Senator Horne: Thank you, Mr. President. The Senator from the 11th, Senator Cowin, will now explain public safety.

Senator Cowin: Thank you, Mr. Chairman, Mr. President, and members. Actually, it was a pretty interesting experience being the chairman of this committee and working with my staff. They are all quite knowledgeable, as were the members on my committee. I want to thank each and every one of them who helped to put together a very good budget. We were very fortunate in being able to actually give some money back to the Chairman so that other committees would be able to have some more money to spend. Likewise, we were also able to finish early. I think that is because of the really good team that we had working together and everybody really putting their heads together and making sure that we had a good budget balanced early.

In the state court system, the House had reduced the whole base budget for the courts and provided absolutely zero funding for judges. We went into the conference and we came out with 27 judges, including the amendment that was on the floor to increase the extra judge. In addition, we put in an increase and enhancement of the guardian ad litem program. The guardian ad litem takes care of the children, and represents the children in those dependency court hearings. There are also dependency courts that we have had as projects. We enhanced the ones that are currently in place and expanded those projects. Those court funds did not stop there because we went beyond that and even funded the Supreme Court, and funded counties in the beginnings with Article V fundings. So when you go back home, you can tell your counties that we started giving back money to them, in addition to giving judges to their courts.

The Conference Report for this year provides a nearly $12 million increase, which is a five-percent increase over last year's funding for our state court system.

We have had a tough stance on crime. As we are increasing our stance by this Legislature, we have this year also put several million dollars into additional funding in prevention and in rehabilitation. Let me tell you some of those things so when you go back you can say, yes, we took a hard line. We are reducing crime, but we are not just punishing crime, we are doing something to make sure that when the people come out, that they are able to get back to being good members of society. We put $7.1 million in post release transitional housing and rehabilitative services. That is getting people out of prison when they finish their term and back into society. That is $7.1 million.

Nearly $80 million was put in for juvenile delinquency prevention and for the diversion programs. We are coordinating and helping the schools, parents, and law enforcement officers to respond to local juvenile crime and the delinquency problems. I think that a multipronged approach with the courts and in crime is really helpful. Let me say to the Member from the 36th, and to all the different members who had a very strong concern about civil rights—we actually expanded the Office of Civil Rights within the Department of Legal Affairs to address discrimination issues faced by women, senior citizens, and those with mental and physical disabilities. So you have a lot to go home to. We have helped the courts. We have helped the juveniles so that they do not go into crime. We have put in transition for prisoners coming out of prison. We are safeguarding against any kind of discriminatory processes that may happen in our society.

I think that we have a very good budget. When we go home, we can raise our heads and say, we are tough, but we are compassionate, and we are here to serve the people of Florida. Thank you.

Senator Horne: Thank you, Senator. The Senator from the 38th, who probably undertook the most difficult job you can imagine. He probably was excited momentarily when asked to undertake the job, then quickly came the bad news that we were facing a Medicaid crisis in enrollment proportions, basically three years' worth of enrollment, a deficit that would be very difficult. He knew as he started on the task that there was no way to possibly attack this and look good. And yet, with a very cheerful disposition and with the tenacity that he always has on every issue, he invested himself in this budget subcommittee. We owe him a debt of gratitude because he worked very diligently, producing, I think, under a very extreme situation, an outstanding budget. He held his line. He fought the fight, and he produced something that we can all be proud of. Senator Silver.

Senator Silver: Thank you very much, Mr. Chairman, for those kind remarks. Number one, I would like to remind you, Mr. Chairman, that this is the first time that I can remember that we actually had strategy going into this conference that we developed. I think the strategy worked very well and, hopefully, will continue on in the future for each one of the subcommittee chairmen, to allow them to move ahead that way. I also want you to know that I asked for this position. I asked the President for this. I really wanted to do this job. You are right, I had some second thoughts after I got into it with the figures. But I want to thank him for allowing me to do this.

I want to explain to the members, and I explained to the folks that were at the conference committee, how difficult this was. On the first vote that we took in the committee, we had to cut four percent and ten percent, respectively. Every one of the committee members on the committee faced a very difficult circumstance. When we talk about the subcommittee on behalf of human services, we talk about individuals. We talk about individuals who basically need help and cannot take care of themselves. They need some assistance. For the first vote that we took we had to deal with that question and we had to cut some programs. We had to choose which programs we had to cut, whether it was one disease or another disease, we had to take money out of these programs. It was heart-wrenching, that was absolutely heart-wrenching. I don't remember, in all the years I have been in this Legislature, having to deal with something like that, where we were going to be taking away those moneys and those dollars that we had allocated for certain people with certain situations.

We took that vote. We did what we had to do. Mr. Chairman, and the President, you remember how I came to you and spoke to you about how difficult that was. You both wanted to go around and speak to the committee members, because we were all in really sad shape. Your sensitivity to all of us at that particular time was appreciated and is appreciated today. Because I am not sure we could have gone through the process if we did not get some help and get some support.

But we all knew that the President had set a goal and an objective to deal with the health and human services area in a way like we have not done before. This is my 23rd year in this process. I have never seen a commitment by any one of our presiding officers, whether they be Democrat or Republican, like this President had, to the health and human services area. That made the job, quite frankly, a little bit easier to deal with because we knew that if resources were going to be available that this President would give us those resources and the Appropriations Chairman would follow through with that. They did that. But what a ride, what a run we did have.

That is what government should be about. Government should be about helping those that are less fortunate than we are. Government should be about helping those that cannot help themselves. That is what this administration has dealt with. They committed to that. And they

would not waiver from that. I remember going in and having conversations. They would not waiver from that for one single moment. The President and the Chairman said, we are not going to deal with anything that will decrease the eligibility of people for benefits. They gave me that strict order.

I think it is also time to pay homage to my house counterparts, Representative Maygarden, the Chairman of the committee and the House members of that committee. They were of a somewhat similar mind, even though their budget initially did not reflect that. But as the resources became available, they came together, we came together and we had a very good conference.

I also want to pay tribute now to another factor. This administration gave the subcommittee chairmen full authority to deal with the issues. And we did. I think that had something to do with the fact that not many issues were bumped either to the chairmen or to the presiding officers. I think that ought to be a goal and objective of future leadership here. Let's have the subcommittee chairmen do their job. Let's give them some flexibility. If that is the case, then we can proceed and we can get through this in a respectable manner.

Let me give you a couple of things that we have here, and this by no means covers it all. Our report provided $30 million more for developmental services above the Senate's budget level of funding. We were also able to restore over $43.8 million in cuts to Medicaid eligibility for the elderly and disabled, as well as to prevent a fee cut of $6.6 million which would have eliminated adult dental and hearing services.

When we started out the priorities of this administration were child welfare, mental health services, and the homeless. These priorities were all preserved at the Senate's recommended levels or more. Nearly $146 million in additional funding was provided for these programs.

I just want to tell you that I said when we went through that first process that we would not come out with a budget that is not defensible. I meant that; we would not do that. When we got to this floor, we came out with a budget which was defensible, and I said that. But let me tell you, on the finished product that we came out with, I think it is a great budget for helping human services. This is not only something that is defensible, this is a great budget. Never have we put so much into the resources than we have this year. The credit goes to the President and the Appropriations Chairman. I want to take time right now to thank my committee members, who were fantastic; Senator Peaden, Senator Sanderson, Senator Saunders, and Senator Mitchell. They all went through this with me. None of us really thought we were going to make it through this whole process. I want to thank them. I also want to thank the staff, lead by Mr. Paul Belcher. Mr. Belcher has gone through this process for a long period of time. I challenge anyone to know more about this process than he does. I challenge anyone to have the ability and the calm manner, first of all, to deal with someone like myself. He was always calm. And, secondly, to get through this process in an amicable way and have the experience that he has. He has been through several administrations, both on the Governor's side and the legislative side. There is nobody that can do this job better for health and human services than he can. His staff that he has behind him are outstanding and fantastic. They all do one thing, just like every one of these committee members do, that is that we all very sincerely care about people. We care about what they are about and we care about what is happening to them. That to me is the essence of being in this august body as a legislator, to try and help people. I think we have done that with this budget. Thank you, Mr. Chairman. Thank you, Mr. President.

Senator Horne: Thank you, Senator from the 38th. You know, I have been involved in the budget since I have arrived and this is my seventh year. During my seven years, I cannot remember a conference that did not have issues bumped up to the presiding officers. No issues, not one, were bumped to the presiding officers. Truth is, not many were bumped to me. That left me a little insecure but nevertheless, very few issues were bumped to the Chairman. I have asked staff who have been around this process for 20-plus years and they said they do not recall a conference where no issues were bumped to the presiding officers. I credit that, not to my great leadership, which I would love to take credit for, but to that of the subcommittee chairmen who have worked hard. While I allow them the authority to work with their allocations, make the decisions, and negotiate, likewise, they allowed their committees in a very bipartisan way to work with their colleagues on the other side to craft a subcommittee budget that they could be proud of. I do not think that Senator Silver's committee is any different than all the rest. I think all participated in a very bipartisan way to help craft that budget. Likewise, I felt that I have endeavored the best that I could to be fair to all. I hope, and it is certainly my hope that you believe that this is a budget that you are very proud of. I will tell you, a lot of hard work went into it. While you may think it took place during a few days, there were a lot of hours invested to bring us to this point. I think Senator Silver said, this is a great budget. We have come a long way. Mr. President, I think our mission is now over.

Mr. President: Sir, you have done an excellent job and displayed superb leadership in not only leading us through the cut process, which as Senator Silver said, was so difficult, but also in leading us through the appropriations process. Were it not for the good fortune of having someone with your skills, we would not have found that additional $241.9 million. Not only do I owe you a debt, not only does the Senate owe you a debt, the entire State of Florida owes you a debt, and I thank you.

Senator from the 35th, for what purpose do you rise?

Senator Rossin: To make a motion, Mr. President, and suggest a procedure for this debate.

Mr. President: State your motion, Senator.

Senator Rossin: My motion, Mr. President, would be that we limit debate to four minutes per individual Senator to debate the budget. At that point, just before we are able to vote on the budget, which I guess is around 7:30, that the only debate left would be by the Minority Leader, the Majority Leader, and the Appropriations Chairman for closing remarks.

Mr. President: Without objection, please show that motion passing. That is four minutes per person, Senator. The final 12 minutes at the time of voting, or immediately preceding voting, will be allocated to the Senator from the 35th, the Senator from the 8th, and the Senator from the 6th. Senators, we are going to have comments on the Appropriations Bill now. I would appreciate a display of hands of those that wish to debate the bill. So all that wish to be proponents of the bill, would you please raise your hands? Proponents. All that wish to be opponents of the bill, please raise your hand.

All I have, and this is going to be the limitation, as an opponent, the Senator from the 28th. That is the only opponent I have written down. The only two proponents I have listed are the Senator from the 22nd and the Senator from the 29th. So debate will be limited to those three individuals, plus the other three individuals previously mentioned. But I do not want to cut anybody off so, am I missing anything? The Senator from the 8th, for what purpose do you rise?

Senator King: Mr. President, just to make sure that everybody does understand. When the final vote does take place, which is somewhere after seven o'clock, in the motion stated by the Senator from the 35th, there will only be three people who will actually close on the bill. So if anybody wanted to debate, this would be the time to do it, if you wanted to. This would be the last time.

Mr. President: That is correct. Madam Secretary, just in an abundance of caution, let me have a quorum call so that I can note those individuals that might be here in the event they might want to say something.

Madam Secretary, please note those Senators who are not in the chamber now in case they wish to make a request because they were not aware of it. One more time, Senators. The only opponent I have listed to speak at the present on the bill is the Senator from the 28th. The only proponents I have are the Senator from the 22nd, the Senator from the 29th, and the Senator from the 33rd. Let me recognize the Senator from the 14th.

Senator Dyer: Are you going to allow questions?

Mr. President: I think I would like to get it all within that four minutes per person, Senator. So if you would like to be an opponent or a proponent in that period of time, I would be happy to put down your name. I am just trying to balance the schedule.

Senator Dyer: I am not an opponent or a proponent, I just want to ask a question.

Mr. President: I am going to put you down as a neutral. A new category. The Senator from the 31st, for what purpose do you rise?

Senator Sanderson: Thank you, Mr. President. Could you please add my name as a proponent?

Mr. President: Certainly. To begin the debate on the Conference Committee Report on the Appropriations Bill, let me first recognize the Senator from the 29th.

Senator Geller: Thank you Mr. President. Members, this budget is not everything that I would like to see. I do not think we have passed a budget in the 13 years that I have been here that is everything that I would like to see. I personally have voted in committee against the tax cuts because I have been concerned that in a year where we are short, the tax cuts are not appropriate.

The issues that we have passed this year, under your leadership, sir, are issues that I would not have expected we would be passing this year. A dramatic increase in funding for the homeless. The only issue that the President has come to me directly this year on to vote was on homelessness issues. We have leadership that says, we want more money for the homeless. We insist on at least four-percent increase for education. Mr. President, this budget could easily have been a disaster, I believe, at the beginning of the session, in my opinion, with the over enthusiastic demands for a tax cut on the part of the Governor and on the part of the House leadership. This budget could have, and would have, been a train wreck without you, Mr. President, without somebody standing firm and saying no. When times are rough, we cannot give away the store. When we can afford tax cuts, we will do them. When we cannot, we will not. Without someone like you standing up and saying, we will not do that, this year would have been a train wreck. So I certainly intend to vote for the budget. It is not what I would have written, but it is by far the best that we could have gotten when one considers the other Chamber.

Again, Mr. President, I just want to extend my personal thanks, because I know that we would not have reached a budget this good for the citizens of the State of Florida without your taking a strong, firm stand at the beginning.

Mr. President: Thank you, Senator. Next, let me recognize the Senator from the 31st.

Senator Sanderson: Thank you, Mr. President. I want to start by thanking my chairman, the Senator from the 38th. I have served in the Legislature for 19 years, as of this session. For four years I had the privilege of chairing the same committee in the House. We have been adversaries the last couple of years, but not really. This has to be the hardest job in the Florida Legislature, that of dealing with health and human services, because every cut we make affects someone's life in some way. The sensitivity which you develop in working through this budget, and the heartache you go through when we make those initial cuts, which were around $400 million, though some people would like to place it in one budget entity or another budget entity, you cannot just do that, because those are people that we are affecting.

Mr. President, with your guidance and with the importance that you have placed on human services, you have elevated it probably more in all the years that I have served in the Florida Legislature. Because of that, and the resources that you gave us, and the Senator from the 6th, who guided us with grace, in spite of all the long hours when most of us really should not have been around anything electric or sharp. We had very little sleep and all of our energies were poured into this. I want to thank you, Mr. President, and I want to thank my colleagues on the Subcommittee on Health and Human Services and, most especially, the guidance of our captain, the Senator from the 38th. It was a pleasure working with you. I think that we have a product this year that we can go home and be proud of. As others have said, we are not taking home everything we want and maybe some people would like to have taken that $400 million and put it into member projects. Yes, they are things that are good for our communities. But I believe that we had some very, very difficult decisions to make. I am proud of the result of our product. I am going to go home with a much lighter heart than the day we had to cut the over $400 million in human services, and then work through all of the machinations that we did. But I particularly want to thank my chairman. Thank you.

Mr. President: Thank you for those comments, Senator. Recognize the neutral Senator from the 14th.

Senator Dyer: Mr. President, if the Senator from the 22nd would yield for a question?

Mr. President: He yields. You are recognized, Senator.

Senator Dyer: Although I serve on the Subcommittee for Education, and most of the decisions were made at the committee level, one of the issues that is in the budget that we have not addressed, and no one really explained to us how it is going to work, is the teacher bonus provisions. I was a proponent for putting that money through the FEFP. As I understand it, the final proviso was that the money is not distributed through the FEFP, but is going to be distributed individually to the districts on some basis and then given out in individual bonuses to the teachers and will not be rolled into their salary. It will be a one-time thing. It is not going to be an increase in their salary. I was wondering if you could explain to us how that is going to work. Is the Commissioner of Education going to get a bunch of checks, and go around to districts, and hand them out, or how is that money going to be distributed?

Mr. President: To respond, the Senator from the 22nd.

Senator Sullivan: Senator, the money is going to be distributed to the school districts. That $152 million includes, not only the teachers' bonus, but the taxes that are due on that, so that the school districts will be held harmless in that regard.

Secondly, the amount of money in that pot actually includes additional money for recruitment and retention of teachers. It includes money that is eligible to be used, not required to be used, but eligible to be used, for signing bonuses for teachers, for activities related to teacher recruitment. It would also be eligible to be used for retention of outstanding teachers in "D" and "F" schools. So that you have to look at that one pot as being, number one, a bonus for each individual teacher, and, number two, recruitment and retention. That money will be distributed to the school districts and be distributed by the school districts. It is included in the calculation of the FEFP.

Mr. President: Does that answer your question? Further questions from the Senator from the 14th? The Senator from the 33rd is recognized on the bill.

Senator Campbell: Mr. President, members of the Senate. I think I said something yesterday that probably applies in this situation, which is "blessed are the peacemakers, for you are going to catch hell from all sides." When you look at this budget, you have to try to figure out, how we are doing as a government. Hubert Humphrey once gave a speech where he said that the moral test of government is to see how it treats those that are in the dawn of their life, the children, those in the twilight of their lives, the seniors, and those in the shadows of life, mainly the disabled and the needy.

I have looked at this budget. I was concerned, at first, with us giving back the tax breaks that were required to get this thing through the House. If you look at the final product, we do take care of those in the twilight, because our seniors are taken care of. We do take care of those in the shadows of life because we have provided for our disabled and needy, the homeless. We do take care of those in the dawn of our life, our children. I am especially proud that we are returning so much more money to education and I wish that at some point in time our education requirements in the State of Florida would hit 48 percent of our state budget. I think education is the greatest equalizer we have in society. I think if we educate our kids, we are going to have less crime. If we educate our kids, we are going to have better economic development. If we educate our kids, we will be sure that we provide social security.

So this should not be a political issue, whether you are a Democrat or a Republican. Certainly, if we had given all the tax breaks that they had taken, or asked for, I would not have voted for this, and would not have voted for this budget.

But the end result is that this is fair. It is not the best because one of the things that concerns me the most is taking $40 million, as I see it, from next year's allotment of cigarette money. I think that that is wrong. But you have to look at the whole picture. I think that this outweighs whatever small wrong there is, to make sure that we do take care of our children, our seniors, and the needy and disabled. So I would encourage you to look at this budget, not from a political perspective, not from a rhetorical perspective, but from what we are doing for the citizens of the State of Florida.

Mr. President: Further on the bill. The Senator from the 28th is recognized as the opponent.

Senator Klein: Thank you, Mr. President. Did you say as the opponent?

Mr. President, I would like to start out by saying what I have heard more often this year than anything else. That is, thank God for the Senate. I think that has to do with a lot of things that the Senate has considered this year and the result that the Senate has produced, whether it is the Appropriations Bill or a number of other pieces of legislation that we have worked through very carefully. But I also want to point out as someone who continues to be concerned about higher education, how I see this budget, and the message that we continue to send out.

Budgets are all about collecting a certain amount of revenue and a prioritization of how those revenues will be spent. It is a difficult process. There are fixed expenses we have to deal with every year. Health and Human Services, I think we have done an excellent job this year of covering. There is education, there is criminal justice, public safety. And then there is general government, as we call it. What we call member projects, I would just say these are local needs. We can call them turkeys. We can call them whatever they are. But we justify them to each other as we present them through the budget process. At the end of the day, we conclude that that is something that is important enough that we want to spend statewide dollars on.

Then, of course, the Governor has his opportunity to do what he does. In the past he has vetoed quite a bit of the local projects that have been put in the budget. There were proposed this year by the Governor's office, tax cuts. Not as significant as the billion-and-a-half that we have given back over the last couple of years when we have cut taxes, but there were tax cuts, nevertheless, offered this year by the Governor's office as something that was a priority.

It is just a question of philosophy. We go back to how much revenue we have to spend and then how we are going to spend it. The less revenue we have to spend, the more we have to make more difficult choices. Obviously, we understand that taking people's money in the form of taxes is serious business and we should only take the minimum amount we need to take in order to spend that on priorities of this state.

But one area that I think we still are not doing enough in, and I think particularly in this budget we went in the wrong direction, is our universities and community colleges. In particular, when we raised the student share of tuition seven-and-a-half percent in one year, I think that is going in the wrong direction. When we, as one of our state benefits for people who work for the state and for those who are watching at home, unaware of this, one of the benefits you have in this state, and there are not that many, but one of them is the ability to go to our state universities tuition free. We have not changed that to create a voucher. The concept of allowing them to go to a state university or a community college is not a bad idea, expanding it to community colleges or other postsecondary institutions is not a bad idea. But there is only $500,000 statewide, first come, first serve. Think about the individuals who are planning their futures with their family and they are in the middle of a college program right now, university program, and because we have made this pretty substantial cut, think of this person at home who is in the middle of a four-year program, working full time, taking some classes with a goal of getting a Bachelor's degree or some enhanced degree which will help that state employee do a better job in his or her job, we have now made it much more difficult to participate in this program because there is only $500,000 in the budget, first come, first serve.

In discussing this, we are going to come back next year, maybe add more money to it. But I think we have now gone back and in some cases made it very difficult to allow people to finish their college education. So we disrupted it, the timing, or interrupted in some way. That is the wrong direction.

Another issue that I have heard about in my eight years of Legislature, more than anything else, when we talk about education, and that is workforce training. But how well is our workforce? Our children that go through school and are eventually going to be future workers, how well are they prepared? If we look at exactly what is going on, our state universities, plus our community colleges and all the other institutions, play a major role. We need to do more to expand the opportunities. We need to do more to make the access available. Raising tuition, I do not think, is the right direction. We need to do more. It is our biggest opportunity of creating a better future for every Floridian, in making a post high school education opportunity available for everyone. There are more and more kids coming through the system and more and more resources will be there.

So, Mr. President, today I am going to vote against the budget, but I want to make it very clear. It is no reflection on anybody in this Senate because this Senate did a good job with what we have. My gripe, my disagreement, is with tax cuts because I think that $175 million could have been used to eliminate any kind of tuition increase for our state universities, could have expanded university and community college access, could have done so many things in that direction. I understand why people like tax cuts. It is a question, in my view, of the way I view the priorities of education in this state.

So, again, with all due respect to everyone in this room, my voice today is a No vote on the budget because of the tax cuts, because of that portion of education which I think we need to focus on. I would ask you, in the future, as we move forward, because the budget, of course, will pass today, to keep in mind the importance of our postsecondary, post high school education and how we need to focus on it more, deal with it more, with the tech jobs and all the other kinds of jobs that are so important to us for us to prepare our youth for the future of this state. Thank you, Mr. President.

Mr. President: The Senator from the 22nd is recognized as a proponent on the budget.

Senator Sullivan: Mr. President, members, I speak as someone who has a detailed view of what went on on my side of the budget. Too often we tend to look at the flaws in the budget or the things that we disagree with, but I stand to rise and speak about some things that are working well.

We have made some changes in the budget process over the last few years. There are some things that are a step in the right direction, and some things that we need to improve on. One thing that I didn't mention in my remarks on the budget was the amount of money we put into technology and how that has been so well used by the state that now you can walk into almost any library and be connected throughout the state. You can certainly walk into any university library and be connected throughout the state. You can walk into any community college and be connected throughout the state. That is wonderful.

A new student sitting at home, with the money that we have spent on technology, can register for classes, can shop for classes, can enroll, can receive student advising, all over the Internet. There have been some wonderful changes in education as a result of what was spent.

There are some procedures that we are doing that are working very well. The Governor's insistence on review of all projects was a great step forward. There were fewer projects suggested by legislators this year. Before this year, they were unexamined. The process is working. It needs to be refined. We need to be able to get more information so that we can pick and choose among the things that are available to us to make better use of our money.

Recurring and nonrecurring money—we made much better use of the recurring and nonrecurring money this year. A strict adherence to the proper use of these items and the proper use of the funding formula were great steps forward.

The working capital fund—another $150 million back in the working capital fund in a year with very tight finances was a great thing to do. The rainy day fund is now up to $1 billion. All of the people of the State of Florida ought to be very pleased that we have taken such a responsible attitude.

This year we made better use of federal funds than ever before. We funded several projects through TANF. We matched sometimes at a four-to-one ratio. I think we made better use of the money that was available for us than I have seen in my five years in the budget process.

I guess there is one thing that we need to continue to make progress on, and I know it is one of your priorities. Performance-based budgeting has not yet reached the point where we should be happy with it. Our efforts to reach zero-based budgeting and to change our budgets over to

activity-based budgeting must be continued. That will enable us to go back and review the entire budget process on a detailed basis so that we can make our decisions better.

Mr. President, I think the budget process is improving. If we continue to keep our eyes focused on those important points, I think it will continue to improve in the future.

RECONSIDERATION OF BILL

On motion by Senator Horne, the Senate reconsidered the vote by which—

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net–ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 7** was adopted. **Amendment 7** was withdrawn.

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

Amendment 10 (072144)(with title amendment)—On page 119, line 1, insert:

Section 44. *There is appropriated from nonrecurring general revenue a refund of sales taxes paid in fiscal year 2001-2002 to any facility, school, or business that is certified under Part 142 of Federal Aviation Regulations and trains aircraft pilots and flight crews for approval, certification, or regulation by the Federal Aviation Administration, or a comparable foreign national government regulatory agency. Total refunds to all such facilities, school, or businesses shall not exceed $500,000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: provides a one time sales tax refund for Type 142 air crew training simulators;

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

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

Amendment 11 (031356)(with title amendment)—On page 119, before line 1, insert:

Section 107. *The sum of $650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of $650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

On motion by Senator Horne, **HB 1225** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Cowin, Crist

On motion by Senator Dyer, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 428, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 428—A bill to be entitled An act relating to building construction; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a proscription against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety's duty to pay lienors with a contractor's duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates. amending s. 489.13, F.S.; providing for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

House Amendment 1 (785035)(with title amendment)—On page 17, lines 1-28, remove from the bill: all of said lines, and insert in lieu thereof:

Section 10. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.—

(1) Any portion of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated therewith, between an owner of real property and an architect, engineer, general contractor,

subcontractor, sub-subcontractor, or materialman or any combination thereof wherein any party referred to herein promises to indemnify or hold harmless the other party to the agreement, contract, or guarantee for liability for damages to persons or property caused in whole or in part by any act, omission, or default of the indemnitee arising from the contract or its performance, shall be void and unenforceable unless the contract contains a monetary limitation on the extent of the indemnification that bears a reasonable commercial relationship to the contract and is part of the project specifications or bid documents, if any. Notwithstanding the foregoing, the monetary limitation on the extent of the indemnification provided to the owner of real property by any party in privity of contract with such owner shall not be less than $1 million per occurrence, unless otherwise agreed by the parties. Indemnification provisions in any such agreements, contracts, or guarantees may not require that the indemnitor indemnify the indemnitee for damages to persons or property caused in whole or in part by any act, omission, or default of a party other than:

(a) The indemnitor;

(b) Any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees; or

(c) The indemnitee or its officers, directors, agents, or employees. However, such indemnification shall not include claims of, or damages resulting from, gross negligence, or willful, wanton or intentional misconduct of the indemnitee or its officers, directors, agents or employees, or for statutory violation or punitive damages except and to the extent the statutory violation or punitive damages are caused by or result from the acts or omissions of the indemnitor or any of the indemnitor's contractors, subcontractors, sub-subcontractors, materialmen, or agents of any tier or their respective employees.

(2)~~(1)~~ A construction contract *for a public agency or in connection with a public agency's project* may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(3)~~(2)~~ Except as specifically provided in subsection *(2)* ~~(1)~~, a construction contract *for a public agency or in connection with a public agency's project* may not require one party to indemnify*, defend, or hold harmless* the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.

(4) This section does not affect any contracts, agreements, or guarantees entered into before the effective date of this section or any renewals thereof.

Section 11. Subsection (2) of section 725.08, Florida Statutes, is amended to read:

725.08 Design professional contracts; limitation in indemnification.—

(2) Except as specifically provided in subsection (1), a professional services contract *entered into with a public agency* may not require that the design professional defend, indemnify, or hold harmless the agency, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision *shall* ~~will~~ be void as against the public policy of this state.

And the title is amended as follows:

On page 1, lines 27-30, remove from the title of the bill: all of said lines, and insert in lieu thereof: amending s. 725.06, F.S.; revising indemnification and hold harmless restrictions for certain construction agreements, contracts, or guarantees; providing application; amending s. 725.08, F.S.; revising indemnification and hold harmless restrictions for certain professional services contracts; repealing s. 713.18(3),

On motion by Senator Dyer, the Senate concurred in the House amendment.

SB 428 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1226, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

House Amendment 1 (902973)(with title amendment)—remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, *at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1),* and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith–based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. To provide after–school care programs under this paragraph, a community–based organization or a faith–based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.*

Section 2. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. *It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board.* The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

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

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

Senators Klein, Wasserman Schultz and Holzendorf offered the following amendment which was moved by Senator Klein and adopted:

Senate Amendment 1 (454446)(with title amendment) to **House Amendment 1**—On page 3, line 6, after the period (.) insert: *Funds expended under this paragraph may not be used for religious or sectarian purposes.*

And the title is amended as follows:

On page 5, line 1, after the semicolon (;) insert: prohibiting certain uses of such funds;

On motion by Senator Holzendorf, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1226 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1260, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

House Amendment 1 (880317)(with title amendment)—On page 2, line 22, insert:

Section 1. Subsection (3) of section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(3) Before recovery under subsection (1) ~~or subsection (2)~~ may be claimed, a written demand shall be delivered by certified or registered mail, evidenced by return receipt, to the maker or drawer of the check, draft, or order of payment. The form of such notice shall be substantially as follows:

"You are hereby notified that a check numbered . . . . in the face amount of $. . . . issued by you on __(date)__, drawn upon __(name of bank)__, and payable to . . . . , has been dishonored. Pursuant to Florida law, you

have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of $25, if the face value does not exceed $50, $30, if the face value exceeds $50 but does not exceed $300, $40, if the face value exceeds $300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being $. . . . and . . . . cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than $50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action."

And the title is amended as follows:

On page 1, line 2 after the semicolon, insert: amending s. 68.065, F.S.; removing a requirement that a written demand be delivered as a requirement for certain recoveries on worthless checks, drafts, or orders of payment;

House Amendment 2 (804975)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 3. Paragraph (b) of subsection (2) of section 655.059, Florida Statutes, is amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure.—

(2)

(b) The books and records pertaining to the deposit accounts and loans of depositors, borrowers, members, and stockholders of any financial institution shall be kept confidential by the financial institution and its directors, officers, and employees and shall not be released except upon express authorization of the account holder as to her or his own accounts, loans, or voting rights. However, information relating to any loan made by a financial institution may be released without the borrower's authorization in a manner prescribed by the board of directors for the purpose of meeting the needs of commerce and for fair and accurate credit information. Information may also be released, without the authorization of a member or depositor but in a manner prescribed by the board of directors, to verify or corroborate the existence or amount of a customer's or member's account when such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. In addition, a financial institution, *affiliate,* and its subsidiaries, and any holding company of the financial institution or subsidiary of such holding company, may furnish to one another information relating to their customers or members, subject to the requirement that each corporation receiving information that is confidential maintain the confidentiality of such information and not provide or disclose such information to any unaffiliated person or entity. *Notwithstanding this paragraph, nothing in this subsection shall prohibit a financial institution from disclosing financial information as referenced in this subsection as permitted by Public Law 106-102(1999), as set forth in 15 U.S.C.A., s. 6802, as amended.*

And the title is amended as follows:

On page 1, line 9, after the semicolon, insert: amending s. 655.059, F.S.; authorizing certain disclosures permitted by certain federal law;

On motion by Senator King, the Senate concurred in the House amendments.

CS for SB 1260 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1524, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

House Amendment 1 (605113)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (b) and (c) of subsection (8) of section 373.026, Florida Statutes, are amended to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)

(b) To ensure to the greatest extent possible that project components will go forward as planned, the department shall collaborate with the *South Florida Water Management* District in *implementing* the *comprehensive plan as defined in s. 373.470(2)(a)* ~~restudy~~. Before any project component is submitted to Congress for authorization or receives an ~~additional~~ appropriation of state funds, the department must approve, or approve with amendments, each project component within 60 days following formal submittal of the project component to the department. Department approval shall be based upon a determination of the *South Florida Water Management* District's compliance with s. 373.1501(5). Once a project component is approved, *the South Florida Water Management District shall provide to the Joint Legislative Committee on Everglades Oversight a schedule for implementing the project component, the estimated total cost of the project component, any existing federal or nonfederal credits, the estimated remaining federal and nonfederal share of costs, and an estimate of the amount of state funds that will be needed to implement the project component.* All requests for an ~~additional~~ appropriation of state funds needed to implement the project component shall be submitted to the department and such requests shall be included in the department's annual request to the Governor.

(c) Notwithstanding paragraph (b), the use of state funds for land purchases from willing sellers is authorized for projects within the *South Florida Water Management* District's approved 5-year plan of acquisition pursuant to s. 373.59 *or within the South Florida Water Management District's approved Florida Forever water management district work plan pursuant to s. 373.199.*

Section 2. Section 373.1502, Florida Statutes, is created to read:

373.1502 Regulation of comprehensive plan project components.—

(1) SHORT TITLE.—This section may be cited as the "Comprehensive Everglades Restoration Plan Regulation Act."

(2) FINDINGS; INTENT.—

(a) The Legislature finds that implementation of the comprehensive plan, as defined in s. 373.470(2)(a), is in the public interest and is necessary for restoring, preserving, and protecting the South Florida ecosystem, providing for the protection of water quality in and the reduction of the loss of fresh water from the Everglades, and providing such features as are necessary to meet the other water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the project.

(b) The Legislature intends to provide efficient and effective permitting of project components, taking into account all other statutory responsibilities the department and the South Florida Water Management District are required to consider.

(3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND FACILITIES.—

(a) This subsection applies to all project components, as defined in s. 373.1501, identified in the comprehensive plan unless the project component is otherwise subject to s. 373.4592, s. 373.4595, or the department's rules on reuse of reclaimed water. Permits issued under this subsection are in lieu of all other permits required under this chapter or chapter 403, except for permits issued under any delegated or approved federal program.

(b) The department shall issue a permit for a term of 5 years for the construction, operation, modification, or maintenance of a project component based on the criteria set forth in this section. If the department is the entity responsible for the construction, operation, modification, or maintenance of any individual project component, the district shall issue a permit for a term of 5 years based on the criteria set forth in this section. The permit application must provide reasonable assurances that:

1. The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application.

2. State water quality standards will be met to the maximum extent practicable. Under no circumstances shall the project component cause or contribute to violation of state water quality standards.

3. Discharges from the project component will not pose a serious danger to public health, safety, or welfare.

4. Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated, as appropriate.

(c) Construction activities for comprehensive plan project components may be initiated upon submission of a permit application and completion of the department's approval under s. 373.1501, but before final agency action or notice of intended agency action. However, a permit must be obtained before the commencement or modification of operation.

(d) Permits issued under this subsection must contain reasonable conditions to ensure that water quality resulting from construction and operation of project components is adequately and accurately monitored.

(e) Permits issued under this subsection may:

1. Authorize construction, operation, modification, and maintenance of individual or multiple project components under a single permit;

2. Include any standard conditions provided by department rule which are appropriate and consistent with this subsection; or

3. Establish reporting requirements that are consolidated with other reports if all reporting requirements are met.

(f) The permitting entity shall require a processing fee in an amount sufficient to cover the costs of reviewing and acting upon any application for a permit under this section and to cover the costs of surveillance associated with any permit issued under this section.

(g) At least 60 days before the expiration of any permit issued under this subsection, the permittee may apply for a renewal for a term of 5 years. Such submittals are considered timely and sufficient under s. 120.60(4). Permits issued under this subsection may be modified upon review and approval by the department or district, as appropriate.

Section 3. Section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, ~~known as the "Miami-Dade County Lake Plan,"~~ dated February 1997 and *hereby accepts the Phase II Plan,* submitted *on February 9, 2001 to the Legislature* by the Miami-Dade County Lake Belt Plan Implementation Committee. *These plans shall collectively be known as the Miami-Dade County Lake Belt Plan. This plan was developed to enhance the water supply for Miami-Dade County and the Everglades, including appropriate wellfield protection measures; to maximize efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment; and to educate various groups and the general public of the benefits of the plan.*

(2)(a) The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.

(b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.

(3) The Miami-Dade County Lake Belt Area is that area bounded by the Ronald Reagan Turnpike to the east, the Miami-Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, sections 24, 25, and 36, Township 54 South, Range 38 East less those portions of *section 3, south of Krome Avenue and west of U.S. Highway 27,* section 10, except the west one-half, section 11, except the northeast one-quarter and the east one-half of the northwest one-quarter, and tracts 38 through 41, and tracts 49 through 64 inclusive, section 13, except tracts 17 through 35 and tracts 46 through 48, of Florida Fruit Lands Company Subdivision No. 1 according to the plat thereof as recorded in plat book 2, page 17, public records of Miami-Dade County, and section 14, except the west three quarters, Township 52 South, Range 39 East, lying north of the Miami Canal, sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East and Government Lots 1 and 2, lying between Townships 53 and 54 South, Range 39 East and those portions of sections 1 and 2, Township 54 South, Range 39 East, lying north of Tamiami Trail.

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezonings or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

~~(5) The Miami-Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami-Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor~~

~~division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the Fish and Wildlife Conservation Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.~~

~~(6) The committee shall develop Phase II of the Lake Belt Plan which shall:~~

~~(a) Include a detailed master plan to further implementation;~~

~~(b) Consider the feasibility of a common mitigation plan for nonrock mining uses, including a nonrock mining mitigation fee. Any mitigation fee shall be for the limited purpose of offsetting the loss of wetland functions and values and not as a revenue source for other purposes.~~

~~(c) Further address compatible land uses, opportunities, and potential conflicts;~~

~~(d) Provide for additional wellfield protection;~~

~~(e) Provide measures to prevent the reclassification of the Northwest Miami-Dade County wells as groundwater under the direct influence of surface water;~~

~~(f) Secure additional funding sources;~~

~~(g) Consider the need to establish a land authority; and~~

~~(h) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.~~

~~(7) The committee shall remain in effect until January 1, 2002, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the Miami-Dade County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.~~

~~(8) The committee shall report to the governing board of the South Florida Water Management District semiannually.~~

~~(9) In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.~~

~~(10) The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.~~

(5)~~(11)~~ The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the *Miami-Dade Lake Belt Plan and the* provisions of this section.

(6)~~(12)~~(a) All agencies of the state shall review the status of their landholdings within the boundaries of the Miami-Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the *Department of Environmental Protection* ~~committee~~ for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the *Department of Environmental Protection* ~~committee~~ be used for land exchanges to further the objectives of this act.

Section 4. Section 373.4415, Florida Statutes, is amended to read:

373.4415 Role of Miami-Dade County in processing permits for limerock mining in Miami-Dade County Lake Belt.—The department and Miami-Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental delegation to the Miami-Dade County Department of Environmental Resource Management of authority to implement the permitting program under ss. 373.403-373.439 for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 ~~by the Miami-Dade County Lake Belt Plan Implementation Committee~~ under s. 373.4149. The delegation of authority must be consistent with s. 373.441 and chapter 62-344, Florida Administrative Code. To further streamline permitting within the Miami-Dade County Lake Belt, the department and Miami-Dade County are encouraged to work with the United States Army Corps of Engineers to establish a general permit under s. 404 of the Clean Water Act for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt consistent with the report submitted in February 1997. Miami-Dade County is further encouraged to seek delegation from the United States Army Corps of Engineers for the implementation of any such general permit. This section does not limit the authority of the department to delegate other responsibilities to Miami-Dade County under this part.

Section 5. Section 378.4115, Florida Statutes, is amended to read:

378.4115 County certification for limerock mining in the Miami-Dade County Lake Belt.—The department and Miami-Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental certification of the Miami-Dade County Department of Environmental Resource Management to implement the reclamation program under ss. 378.401-378.503 for limerock mining activities within the geographic area of the Miami-Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 ~~by the Miami-Dade County Lake Belt Plan Implementation Committee~~ under s. 373.4149. The delegation of implementing authority must be consistent with s. 378.411 and chapter 62C-36, Florida Administrative Code. Further, the reclamation program shall maximize the efficient mining of limestone, and the littoral area surrounding the lake excavations shall not be required to be greater than 100 feet average in width.

Section 6. Paragraphs (b) and (d) of subsection (4) of section 373.4595, Florida Statutes, are amended to read:

373.4595 Lake Okeechobee Protection Program.—

(4) LAKE OKEECHOBEE PROTECTION PERMITS.—

(b) Permits obtained pursuant to this section are in lieu of all other permits under chapter 373 or chapter 403, except those issued under s.

403.0885, if applicable. No additional permits are required for the Lake Okeechobee Construction Project or structures discharging into or from Lake Okeechobee*, if permitted under this section*. Construction activities related to implementation of the Lake Okeechobee Construction Project may be initiated prior to final agency action, or notice of intended agency action, on any permit from the department under this section.

(d) The department shall require permits for Lake Okeechobee Construction Project facilities. *However, projects identified in sub-subparagraph (3)(b)1.b. that qualify as exempt pursuant to s. 373.406 shall not need permits under this section.* Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. The Lake Okeechobee Construction Project facility, based upon the conceptual design documents and any subsequent detailed design documents developed by the district, will achieve the design objectives for phosphorus required in paragraph (3)(b);

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

Section 7. Subsection (7) of section 373.470, Florida Statutes, is amended to read:

373.470 Everglades restoration.—

(7) ANNUAL REPORT.—To provide enhanced oversight of and accountability for the financial commitments established under this section and the progress made in the implementation of the comprehensive plan, the following information must be prepared annually:

(a) The district, in cooperation with the department, shall provide the following information as it relates to implementation of the comprehensive plan:

1. An identification of funds, by source and amount, received by the state and by each local sponsor during the fiscal year.

2. An itemization of expenditures, by source and amount, made by the state and by each local sponsor during the fiscal year.

3. A description of the purpose for which the funds were expended.

4. The unencumbered balance of funds remaining in trust funds or other accounts designated for implementation of the comprehensive plan.

5. A schedule of anticipated expenditures for the next fiscal year.

(b) The department shall prepare a detailed report on all funds expended by the state and credited toward the state's share of funding for implementation of the comprehensive plan. The report shall include:

1. A description of all expenditures, by source and amount, from the Conservation and Recreation Lands Trust Fund, the Land Acquisition Trust Fund, the Preservation 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our Everglades Trust Fund, and other named funds or accounts for the acquisition or construction of project components or other features or facilities that benefit the comprehensive plan.

2. A description of the purposes for which the funds were expended.

3. The unencumbered fiscal-year-end balance that remains in each trust fund or account identified in subparagraph 1.

(c) The district, in cooperation with the department, shall provide a detailed report on progress made in the implementation of the comprehensive plan, including the status of all project components initiated after the effective date of this act or the date of the last report prepared under this subsection, whichever is later.

The information required in paragraphs (a), (b), and (c) shall be provided annually in a single report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and copies of the report must be made available to the public. The initial report is due by November 30, 2000, and each annual report thereafter is due by *January 31* ~~November 30~~.

Section 8. Paragraph (g) of subsection (2) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(2)

(g) The Legislature finds that the restoration of the *South Florida ecosystem* ~~Everglades Protection Area, including the construction, operation, and maintenance of stormwater treatment areas (STAs)~~ is in the public interest. Accordingly, whenever a facility to be constructed, operated, or maintained in accordance with *s. 373.1501, s. 373.1502, s. 373.4595, or* s. 373.4592 is subjected to permitting requirements pursuant to chapter 373 or this chapter, and the issuance of the initial permit for a new source, a new discharger, or a recommencing discharger is subjected to a request for hearing pursuant to s. 120.569, the administrative law judge may, upon motion by the permittee, issue a recommended order to the secretary who, within 5 days, shall issue an order authorizing the interim construction, operation, and maintenance of the facility if it complies with all uncontested conditions of the proposed permit and all other conditions recommended by the administrative law judge during the period until the final agency action on the permit.

1. An order authorizing such interim construction, operation, and maintenance shall be granted if requested by motion and no party opposes it.

2. If a party to the administrative hearing pursuant to ss. 120.569 and 120.57 opposes the motion, the administrative law judge shall issue a recommended order granting the motion if the administrative law judge finds that:

a. The facility is likely to receive the permit; and

b. The environment will not be irreparably harmed by the construction, operation, or maintenance of the facility pending final agency action on the permit.

3. Prior to granting a contested motion for interim construction, operation, or maintenance of a facility *regulated or otherwise permitted* ~~authorized~~ by *s. 373.1501, s. 373.1502, s. 373.4595, or* s. 373.4592, the administrative law judge shall conduct a hearing using the summary hearing process defined in s. 120.574, which shall be mandatory for motions made pursuant to this paragraph. Notwithstanding the provisions of s. 120.574(1), summary hearing proceedings for these facilities shall begin within 30 days of the motion made by the permittee. Within 15 days of the conclusion of the summary proceeding, the administrative law judge shall issue a recommended order either denying or approving interim construction, operation, or maintenance of the facility, which shall be submitted to the secretary who shall within 5 days thereafter, enter an order granting or denying interim construction operation or maintenance of the facility. The order shall remain in effect until final agency action is taken on the permit.

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows: Remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the comprehensive Everglades restoration plan; amending s. 373.026, F.S.; requiring the South Florida Water Management District to submit certain information to the Joint Legislative Committee on Everglades Oversight; requiring the committee to provide certain review of appropriation requests and make recommendations to the Legislature; providing that state funds for land purchases are authorized if contained within the district's Florida Forever 5-year work plan; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing for regulation of comprehensive plan project components; providing findings and intent; providing an expedited permit process; providing a fee; providing for renewal; amending s. 373.4149, F.S.; providing for acceptance of the Phase II Lake Belt Plan; clarifying boundaries of the Miami-Dade County Lake Belt Area; eliminating the Miami-Dade Lake Belt Plan Implementation Committee; providing for certain lands to be made available to the Department

of Environmental Protection to be used for land exchanges; amending s. 373.4415, F.S.; deleting an obsolete reference; amending s. 378.4115, F.S.; deleting an obsolete reference; amending s. 373.4595, F.S.; revising Lake Okeechobee protection permit requirements and related exemptions; amending s. 373.470, F.S.; revising due date of the annual report on implementation of the comprehensive plan; amending s. 403.088, F.S.; providing application of water pollution operation permitting procedures to facilities constructed, operated, or maintained in the South Florida ecosystem, including the components of the comprehensive Everglades restoration plan; providing an effective date.

On motion by Senator Constantine, the Senate concurred in the House amendment.

CS for SB 1524 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1562, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1 (245935)—On page 1, lines 24-26, remove from the bill: all of said lines and insert in lieu thereof: *Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement is confidential and exempt from the provisions of s.*

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 1562 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1576, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

House Amendment 1 (840689)(with title amendment)—On page 3, remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. (1) Paragraphs (b) and (c) of subsection (1) of section 206.9825, Florida Statutes, are amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

(c) If~~, before July 1, 2001,~~ the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

(2) This section shall take effect upon this act becoming a law.

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

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

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

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

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than $208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

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

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

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

Section 3. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

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

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

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than $208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

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

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

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

Section 4. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, ~~and~~ the tax refund program for qualified target industry businesses authorized by s. 288.106*, and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113*.

Section 5. Section 288.113, Florida Statutes, is created to read:

288.113 Tax reimbursement program for certified sports industry economic development projects.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certified sports industry economic development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.

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

(a) "Certified sports industry economic development project" or "project" means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) "Sales tax reimbursement" means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes

for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant's sales tax reimbursement agreement. Annual payment amounts shall be no less than $500,000 and no more than $2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below $500,000 under its authority to decertify a project as discussed in subsection (6).

(5) AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

(a) Developing and implementing any component of the project's sports events and activities;

(b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project's facilities or events;

(c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project's activities and facilities; or

(d) Paying the cost of relocating the project's corporate headquarters into the state.

(6) CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of $1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of $1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be requalified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of $1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed $1 million.

(j) A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.

(l) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:

1. The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement, and a time schedule or plan for when such jobs will be in place and operative in the state.

2. The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.

3. The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.

(b) Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.

(c) The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.

(d) Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.

(8) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.

(c) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.— Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.

Section 6. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

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

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.

Section 7. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. ~~Thereafter, determination of the assessed value of the property is subject to the following provisions:~~

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or

2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any ~~annual~~ assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the *just value and assessed value* ~~assessment~~ must be recalculated for every such year*, including the year in which the mistake occurred*.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 8. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied to ensure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 9. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

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

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments in* homes for the aged shall be exempt only to the extent that residency in *the existing unit or apartment of* the applicant home is *reserved for or* restricted to or *the unit or apartment is* occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than $7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than $7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects *that* ~~which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and *that* ~~which~~ are subject to the income limitations established by that department *are* ~~shall be~~ exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is ~~hereby~~ declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of *a* ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of $25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each *corporation* ~~home~~ applying for an exemption under paragraph (a) *of this subsection or paragraph (4)(a)* must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under *either of those paragraphs* ~~that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 10. Section 196.24, Florida Statutes, is amended to read:

196.24 *Exemption for disabled ex-service member;* evidence of disability ~~of ex-service member; exemption.~~—Any ex-service member, a bona fide resident of the state, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service as defined in s. 1.01(14), or by misfortune, is entitled to the exemption from taxation provided for in s. 3(b), Art. VII of the State Constitution *as provided in this section. Property to the value of $5,000 of such person shall be exempt from taxation.*~~; and~~ The production by him or her of a certificate of disability from the United States Government or the United States Department of Veterans Affairs or its predecessor before the property appraiser of the county wherein the ex-service member's property lies is prima facie evidence of the fact that he or she is entitled to such exemption.

Section 11. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to $50* ~~$5~~. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to $50* ~~$5~~. The minimum tax bill so established may not exceed *an amount up to $50* ~~$5~~.

Section 12. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by April *30* ~~10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for __(year)__ on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 13. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)*(a) The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required by subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector shall make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax

collector is not liable for payment to the firm unless these requirements are met.

2. The tax collector shall not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.

3. In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.

(b) Any fee paid for any title search or abstract shall be collected at the time of application under subsection (1), and the amount of the fee shall be added to the opening bid.

(c) The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.

Section 14. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in ~~subsection (11) and~~ s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:", and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; *the* ~~a single entry for other~~ independent special districts in which the parcel lies, if any~~, except as provided in subsection (11)~~; and ~~a single entry~~ for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For *each* voted *levy* ~~levies~~ for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

~~1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)"; and~~

~~3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter-approved debt, contact your Tax Collector at (phone number)." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding *each* ~~the~~ entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	$....	$....	$....	$....
Your Property Value This Year	$....	$....	$....	$....

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at (phone number) or (location).

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE __(date)__.

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

(11)~~(12)~~ The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(12)~~(13)~~(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately ⅛-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection *(11)* ~~(12)~~ shall not be placed on the notice.

Section 15. Effective January 1, 2002, paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069*(11)*~~(12)~~).

Section 16. *(1) There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, providing and evaluating suggestions for improving the property tax administration process, and promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The executive director of the department shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) This section shall take effect upon this act becoming a law.

Section 17. *(1) There is created an advisory committee on airport and seaport property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and shall submit a written report on this issue to the President of the Senate and*

the Speaker of the House of Representatives on or before October 1, 2001. The committee shall expire upon completion of the report.

(2) This section shall take effect upon becoming a law.

Section 18. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, through Page 3, line 4 remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to ad valorem tax administration; amending s. 206.9825, F.S.; removing the expiration date of provisions which allow any licensed wholesaler or terminal supplier that delivers aviation fuel to certain air carriers to receive a credit or refund of the aviation fuel tax under certain conditions; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 193.155, F.S.; revising provisions relating to the correction of errors in the assessment of homestead property due to a material mistake of fact; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; requiring the department, effective for 2003 and subsequent tax rolls, to study assessment roll strata by value groups or market areas to ensure the representativeness of ratio study samples; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; amending s. 197.212, F.S., which allows the board of county commissioners to instruct the tax collector not to mail a tax notice when the amount of taxes is less than a specified amount; increasing such minimum amount; amending s. 197.343, F.S.; revising the deadline for mailing an additional tax notice to a taxpayer whose payment has not been received; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate and providing requirements with respect thereto; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of such fee shall be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S., which provides requirements for the form of the notice of proposed property taxes and non-ad valorem assessments; removing provisions which specify that a separate line entry for each independent special taxing district is optional; revising requirements for entries relating to voted levies for debt service; amending s. 192.0105, F.S.; correcting a reference; creating a Property Tax Administration Task Force and providing its duties; creating an advisory committee on airport and seaport property taxation; providng purposes and membership; requiring a report; providing effective dates.

Senator Carlton moved the following amendment:

Senate Amendment 1 (081292)(with title amendment) to **House Amendment 1**—On page 1, line 18 through page 43, line 26, delete those lines and insert:

Section 1. Paragraph (c) of subsection (2) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 2. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by section 1 of this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. *In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied, to assure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 3. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)*(a) The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required in subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector must make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax collector is not liable for payment to the firm unless these requirements are met.

2. The tax collector may not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.

3. In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.

(b) Any fee paid for any title search or abstract must be collected at the time of application under section (1), and the amount of the fee must be added to the opening bid.

(c) The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.

Section 4. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in ~~subsection (11) and~~ s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:", and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; *the* ~~a single entry for other~~ independent special districts in which the parcel lies, if any*; and*~~, except as provided in subsection (11); and a single entry~~ for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For *each* voted *levy* ~~levies~~ for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

~~1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)"; and~~

~~3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter-approved debt, contact your Tax Collector at (phone number)." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding *each* ~~the~~ entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	$....	$....	$....	$....
Your Property Value This Year	$....	$....	$....	$....

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at _(phone number)_ or _(location)_.

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE _(date)_.

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

(11)~~(12)~~ The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(12)~~(13)~~(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately ⅛-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection *(11)* ~~(12)~~ shall not be placed on the notice.

Section 5. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. ~~Thereafter, determination of the assessed value of the property is subject to the following provisions:~~

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or

2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any ~~annual~~ assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the *just value and assessed value* ~~assessment~~ must be recalculated for every such year*, including the year in which the mistake occurred*.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 6. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by *April 30* ~~April 10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for __(year)__ on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 7. Paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see *s. 200.069(11)* ~~s. 200.069(12)~~).

Section 8. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to $30* ~~$5~~. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to $30* ~~$5~~. The minimum tax bill so established may not exceed *an amount up to $30* ~~$5~~.

Section 9. *(1) There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, of providing and evaluating suggestions for improving the property tax administration process, and of promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The Executive Director of the Department of Revenue shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) This section shall take effect upon becoming a law.

Section 10. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

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

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments in* homes for the aged shall be exempt only to the extent that residency in *the existing unit or apartment of* the applicant home is *reserved for or* restricted to or *the unit or apartment is* occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than $7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than $7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects *that* ~~which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and *that* ~~which~~ are subject to the income limitations established by that department *are* ~~shall be~~ exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is ~~hereby~~ declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of *a* ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of $25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each *corporation* ~~home~~ applying for an exemption under paragraph (a) *of this subsection or paragraph (4)(a)* must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under *either of those paragraphs* ~~that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 11. *(1) There is created an advisory committee on property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and may consider taxation of other public facilities and issues related to special districts. The advisory committee shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001.*

(2) The sum of $100,000 is appropriated to the Department of Revenue from the General Revenue Fund to defray the expenses of the advisory committee.

(3) This section shall take effect upon becoming a law.

Section 12. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

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

Section 13. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

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

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

Section 14. Section 236.32, Florida Statutes, is amended to read:

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

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

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

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

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

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

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

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

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 44, line 5 through page 46, line 25, delete those lines and insert: An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; providing for calculating the levy if the millage exceeds certain limits; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

Senator Carlton moved the following amendment to the amendment which was adopted:

Senate Amendment 1A (333630)(with title amendment) to Senate Amendment 1 to House Amendment 1—On page 24, line 6 through page 26, line 28, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 28, line 31 through page 29, line 9, delete those lines and insert: appropriation;

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Carlton, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 1576 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed CS for HB 347 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1 (603071)(with title amendment) to Senate Amendment 1—On page 5, line 15, through page 21, line 30, remove from the amendment: all of said lines and insert in lieu thereof:

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

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

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

(f) Effective July 1, 1997:

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

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

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

121.4501 Public Employee Optional Retirement Program.—

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

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

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

(4) PARTICIPATION; ENROLLMENT.—

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

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

2. If the employee chooses to move *from the Public Employee Optional Retirement Program* to the defined benefit program, the employee must transfer from his or her *optional program* ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

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

2. *These* administrative services *may* include, but are not limited to, *enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants;* services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. *Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

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

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

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

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

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

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

4. Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 8. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.*

Section 9. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and ~~state~~ law enforcement officers; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or *any* ~~state~~ law enforcement officer*, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3), respectively,* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or ~~state~~ law enforcement officer shall have successfully passed a physical examination upon entering into any such service as a firefighter or ~~state~~ law enforcement officer, *correctional officer, or correctional probation officer,* which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter, *law enforcement officer, correctional officer, or correctional probation officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

And the title is amended as follows:

On page 23, line 27, through page 24, line 22, of the amendment remove: all of said lines and insert in lieu thereof: technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers and correctional probation officers; amending s. 121.0515, F.S.; allowing

On motion by Senator Garcia, the Senate refused to concur in the House amendment to the Senate amendment to **CS for HB 347** and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—38

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed HB 657 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

House Amendment 1 (405209) (with title amendment) to Senate Amendment 1—On page 1, lines 21 and 26, and on page 2, line 6, remove from the amendment: *1999* and insert in lieu thereof: *2000*

And the title is amended as follows:

On page 3, lines 16-28, of the amendment remove: all of said lines and insert in lieu thereof: 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

On motion by Senator Lee, the Senate refused to concur in the House amendment to the Senate amendment to **HB 657** and the House was requested to recede. The action of the Senate was certified to the House. The vote was:

Yeas—34

Mr. President	Dyer	Lawson	Saunders
Bronson	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Clary	Jones	Mitchell	Sullivan
Constantine	King	Peaden	Villalobos
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1202, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising

the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s.

400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; providing appropriations; providing for severability; providing effective dates.

House Amendment 1 (341895)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) "Administrator" means the licensed individual who has the general administrative charge of a facility.

(2) "Agency" means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) "Bed reservation policy" means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) "Board" means the Board of Nursing Home Administrators.

(5) "Controlling interest" means:

(a) The applicant for licensure or a licensee;

(b) A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or

(c) A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.

The term does not include a voluntary board member.

(6)~~(5)~~ "Custodial service" means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)~~(6)~~ "Department" means the Department of Children and Family Services.

(8)~~(7)~~ "Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)~~(8)~~ "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)~~(9)~~ "Geriatric patient" means any patient who is 60 years of age or older.

(11)~~(10)~~ "Local ombudsman council" means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)~~(11)~~ "Nursing home bed" means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)~~(12)~~ "Nursing home facility" means any facility which provides nursing services as defined in part I of chapter 464 and which is licensed according to this part.

(14)~~(13)~~ "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)~~(14)~~ "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)~~(15)~~ "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)~~(16)~~ "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, *the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being,* a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. *The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.*

(18)~~(17)~~ "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)~~(18)~~ "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities, an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities, an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident, the impact of the devices on the privacy and dignity of both the resident on whose behalf the device is installed and other residents who may be affected by the device, the potential impact on improving the care of residents, the potential impact on the care environment and on staff recruitment and retention, appropriate uses of any tapes if mandated by law, including methods and time frames for reporting any questionable incidents to the facility and appropriate regulatory agencies, appropriate security needed to protect the integrity of tapes for both the protection of the resident and direct care staff, and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall have the lead on the study and shall submit the findings and recommendations of the study to the Governor, the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.*

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are *violated* ~~deprived or infringed upon~~ shall have a cause of action ~~against any licensee responsible for the violation~~. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident *regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21* ~~when the cause of death resulted from the deprivation or infringement of the decedent's rights~~. *If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.* The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any *violation of* ~~deprivation or infringement on~~ the rights of a resident *or for negligence. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed $25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238.* ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.~~

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

(a) The defendant owed a duty to the resident;

(b) The defendant breached the duty to the resident;

(c) The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and

(d) The resident sustained loss, injury, death or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

~~(2) Attorneys' fees shall be based on the following criteria:~~

~~(a) The time and labor required;~~

~~(b) The novelty and difficulty of the questions;~~

~~(c) The skill requisite to perform the legal service properly;~~

~~(d) The preclusion of other employment by the attorney due to the acceptance of the case;~~

~~(e) The customary fee;~~

~~(f) Whether the fee is fixed or contingent;~~

~~(g) The amount involved or the results obtained;~~

~~(h) The experience, reputation, and ability of the attorneys;~~

~~(i) The costs expended to prosecute the claim;~~

~~(j) The type of fee arrangement between the attorney and the client;~~

~~(k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;~~

~~(l) Whether the attorney was able to mitigate the risk of nonpayment in any way.~~

(3) In any claim brought pursuant to s. 400.023, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under Part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.

(5)~~(3)~~ A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the *administrative* services of a medical director as required in this part.

Nothing in this subsection shall be construed to protect a licensee*, person, or entity* from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.

(6) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

(7) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.

~~(4) Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.~~

~~(5) For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.~~

~~(6) To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

~~(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.~~

~~(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.~~

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;

2. Internal review by counsel for each prospective defendant;

3. A quality assurance committee authorized under any applicable state or federal statutes or regulations;

4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. *This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.*

(2)(a) In any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) This section is remedial in nature and shall take effect upon becoming a law.

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a vulnerable adult. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a vulnerable adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.*

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and *shall be $50 per bed. The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12 months immediately preceding the increase* ~~must be reasonably calculated~~ to cover the cost of regulation under this part~~, but may not exceed $35 per bed~~. Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than *$1 million* ~~$500,000~~, the agency may adopt rules to establish a rate which may not exceed $10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches *$1 million* ~~$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of *$2 million* ~~$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the name and address of *any controlling interest* ~~every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation~~; and the name by which the facility is to be known.

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of *the* ~~its licensed~~ administrator.

(e) A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.

(f)~~(e)~~ The total number of beds and the total number of Medicare and Medicaid certified beds.

(g)~~(f)~~ Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(h)~~(g)~~ Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose*, including information reported under paragraph (2)(e)*. The agency also shall establish documen-

tation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.

(12) As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or

(f)~~(e)~~ Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.

(4) The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly.* Priority for *additional* monitoring visits shall be given to nursing facilities with a history of *resident* ~~patient~~ care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility and shall assess specific conditions in the facility directly related to *resident* ~~patient~~ care*, including the operations of internal quality improvement and risk management programs and adverse incident reports*. The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:

(a) An explanation of how to pursue redress of a grievance.

(b) The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.

(c) A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.

(d) A procedure for providing assistance to residents who cannot prepare a written grievance without help.

(2) Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a categorization of the cases underlying the grievances, and the final disposition of the grievances.

(3) Each facility must respond to the grievance within a reasonable time after its submission.

(4) The agency may investigate any grievance at any time.

(5) The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny *an application*, revoke~~,~~ or suspend a license, or impose an administrative fine, not to exceed $500 per violation per day, *against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest:* ~~for~~

(a) A violation of any provision of s. 400.102(1)*;*~~.~~

(b) A demonstrated pattern of deficient practice;

(c) Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;

(d) Exclusion from the Medicare or Medicaid program; or

(e) An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) *Except as provided in s. 400.23(8), a $500 fine shall be imposed* ~~The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed $500~~ for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than $5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid ~~by any nursing home facility licensee under this subsection~~ shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.

(3) The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:

(a) Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;

(b) Is conditionally licensed for 180 or more continuous days;

(c) Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or

(d) Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)~~(3)~~ The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)~~(4)~~(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)~~(5)~~ An action taken by the agency to deny, suspend, or revoke a facility's license under this part~~, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within *60* ~~120~~ days after *the assignment of an administrative law judge* ~~receipt of the facility's request for a hearing~~, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)~~(6)~~ The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of $500 per day for each day the staffing is below the level required by the agency.

(8) An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.

(9) Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.

(10) In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

(12) Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.

(15) Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regard-

ing certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

(a) Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

(b) Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. the turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

(c) The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

(d) A licensed facility shall impose a moratorium on new admissions to the facility during any period that the staff-to-resident ratio falls below the minimum required by the agency.

(16) Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.

(17) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(18) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

(19) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.

(20) Maintain liability insurance coverage that is in force at all times.

(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 Volunteers in nursing homes.—

(1) It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:

(a) Sign in and out with staff of the nursing home upon entering or leaving the facility.

(b) Wear an identification badge while in the building.

(c) Participate in a facility orientation and training program.

(2) This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 Internal risk management and quality assurance program.—

(1) Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:

(a) A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.

(b) A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.

(c) Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(e) The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:

1. Such education and training of all nonphysician personnel must be part of their initial orientation; and

2. At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.

(f) The analysis of resident grievances that relate to resident care and the quality of clinical services.

(2) The internal risk management and quality assurance program is the responsibility of the facility administrator.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of adverse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.

(4) Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A limitation of neurological, physical, or sensory function;

6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or

7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement.

(6) The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility; and

(c) Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

(a) The total number of adverse incidents.

(b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.

(c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state.

(2) The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled

and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project in the highest scoring homes in counties where Evercare services are immediately available. On January 1 of each year of the pilot project the agency shall submit to the fiscal and substantive committees of the Legislature and to the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121, against nursing homes that have quality-of-care violations.

(3) The pilot project must ensure:

(a) Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home.

(b) Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility.

(c) Frequent onsite visits to the resident.

(d) Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization.

(e) Close communication with regulatory staff.

(f) Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies.

(g) Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed.

(h) Use of Medicare and other third-party funds to support activities of the program.

(4) The agency shall coordinate the pilot project activities with providers approved by Medicare to operate Evercare demonstration projects.

Section 26. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. *The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be $6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys.* The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III *or class IV* deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews *every 3 months* ~~within a 12-month period~~ of each facility *while the facility* ~~which~~ has a conditional *license* ~~licensure status~~. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 27. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.

(b) Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public:~~,~~

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 28. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program; ~~or~~

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse*, neglect, or exploitation in that state*; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; and

5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Section 29. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. ~~The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.~~ In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing and a minimum licensed nursing staffing per resident per day~~, including evening and night shifts and weekends~~. *The minimum certified nursing assistant staffing shall be 2.6 hours of direct care per resident per day beginning January 1, 2002, and shall increase to 2.9 hours of direct care per resident per day beginning January 1, 2003. Beginning January 1, 2002, no facility shall staff at less than one certified nursing assistant per 20 residents. Facilities that have been free of any class I or class II violation for the past 30 months may provide a minimum of 2.3 hours of certified nursing assistant service per resident per day until January 1, 2003. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily* ~~Agency rules shall specify requirements for documentation of compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of~~ the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency~~, and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended~~.

(b) A conditional licensure status means that a facility, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance at the time of the survey with criteria established under this part *or*~~,~~ with rules adopted by the agency~~, or, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended~~. If the facility *has no class I, class II, or class III deficiencies* ~~comes into substantial compliance~~ at the time of the followup survey, a standard licensure status may be assigned.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the planning and service area in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. ~~Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.~~

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) ~~Not later than January 1, 1994,~~ The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.

2. Provide criteria in the areas referenced in paragraph (c).

3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature *and the scope* of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.* The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) *A* class I *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility* ~~present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom~~. The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. ~~Notwithstanding s. 400.121(2),~~ A class I deficiency is subject to a civil penalty *of $10,000 for an isolated deficiency, $12,500 for a patterned deficiency, and $15,000 for a widespread* ~~in an amount not less than $5,000 and not exceeding $25,000 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection.* A fine *must* ~~may~~ be levied notwithstanding the correction of the deficiency.

(b) *A* class II *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services* ~~have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies~~. A class II deficiency is subject to a civil penalty *of $2,500 for an isolated deficiency, $5,000 for a patterned deficiency, and $7,500 for a widespread* ~~in an amount not less than $1,000 and not exceeding $10,000 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine shall be levied notwithstanding the correction of the deficiency.* ~~A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) *A* class III *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services* ~~to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies~~. A class III deficiency *is* ~~shall be~~ subject to a civil penalty of *$1,000 for an isolated deficiency, $2,000 for a patterned deficiency, and $3,000 for a widespread* ~~not less than $500 and not exceeding $2,500 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection.* A citation for a class III deficiency *must* ~~shall~~ specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed~~, unless it is a repeated offense~~.

(d) A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.

Section 30. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, *as described in s. 400.141,* as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 31. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.

(2) The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.

(3) Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.

(4) The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.

Section 32. Subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the *personal* services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least *quarterly* ~~two times a year~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular ~~biennial~~ survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that ~~biennially~~ inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the ~~biennial~~ inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during *licensure* ~~biennial~~ inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least *twice* ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is *$300* ~~$240~~ per license, with an additional fee of *$50* ~~$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed $10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $400 per license, *with an additional fee of $10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the* annual license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be *$250* ~~$200~~ per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed $2,000,~~ No

part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the* ~~$200~~ biennial license fee ~~and the maximum total license fee~~ once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 33. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(n) Any act constituting a ground upon which application for a license may be denied.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.

Section 34. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than *$5,000* ~~$1,000~~ and not exceeding $10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than *$1,000* ~~$500~~ and not exceeding $5,000 for each violation. A citation for a class II violation *must* ~~shall~~ specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than *$500* ~~$100~~ and not exceeding $1,000 for each violation. A citation for a class III violation *must* ~~shall~~ specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an administrative fine of not less than *$100* ~~$50~~ nor more than $200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2) The agency may set and levy a fine not to exceed $1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed $10,000 per survey.~~

(2)~~(3)~~ In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(3)~~(4)~~ Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

(4)~~(5)~~ Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)~~(6)~~ For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

(6)~~(7)~~ Any unlicensed facility that continues to operate after agency notification is subject to a $1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of $500 per day.~~

(7)~~(8)~~ Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of $5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of $500 per day retroactive to the date of agency notification.~~

(8)~~(9)~~ Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine *of* ~~not to exceed~~ $5,000.

(9)~~(10)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

(10)~~(11)~~ The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

(11)~~(12)~~ Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

(12)~~(13)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined $5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 35. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.

(2) Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:

(a) An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;

6. Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Events reported to law enforcement; or

(d) Elopement.

(3) Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.

(4) Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.

(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(6) The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:

(a) A total number of adverse incidents;

(b) A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;

(c) A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;

(d) Types of liability claims filed based on an adverse incident report or reportable injury; and

(e) Disciplinary action taken against staff, categorized by the type of staff involved.

(7) The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

(8) If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.

(9) The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.

(10) The Department of Elderly Affairs may adopt rules necessary to administer this section.

Section 36. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

Section 37. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(k) At least *45* ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least *45* ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 38. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action ~~against any facility owner, administrator, or staff responsible for the violation~~. The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident *regardless of the cause of death* ~~when the cause of death resulted from a violation of the decedent's rights, to enforce such rights~~. *If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.* The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages *for violation of the rights of a resident or negligence* ~~when malicious, wanton, or willful disregard of the rights of others can be shown~~. *Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed $25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303.* ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.~~

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

(a) The defendant owed a duty to the resident;

(b) The defendant breached the duty to the resident;

(c) The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and

(d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to s. 400.429, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. ~~To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

(5)~~(3)~~ Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(6)~~(4)~~ In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;

2. Internal review by counsel for each prospective defendant;

3. A quality assurance committee authorized under any applicable state or federal statutes or regulations;

4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence

recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 42. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.

Section 43. Section 400.4297, Florida Statutes, is created to read:

400.4297 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 44. Section 400.4298, Florida Statutes, is created to read:

400.4298 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportion-

ate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or local long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility. *Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards.*

Section 46. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;

2. The provision of personal services;

3. The provision of, or arrangement for, social and leisure activities;

4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;

5. The management of medication;

6. The nutritional needs of residents; ~~and~~

7. Resident records*; and*~~.~~

8. Internal risk management and quality assurance.

(4) The agency may use an abbreviated biennial *standard licensure* inspection *that* ~~which~~ consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 47. Section 400.449, Florida Statutes, is created to read:

400.449 Resident records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.

Section 48. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with changes of ownership filed on or after July 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the direct care subcomponent effective October 1, 2001. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The indirect subcomponent shall not be adjusted and the individual provider targets, and the target rate class ceilings for the indirect care subcomponent shall be lowered proportionately to account for the separation of costs into a direct and an indirect care subcomponent. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, staffing coordinator, and contract nursing services.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall ~~apply only to fiscal year 2000-2001 and shall~~ be implemented to the extent existing appropriations are available. ~~The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 49. Subsections (2) and (3) of section 430.709, Florida Statutes, are amended to read:

430.709 Reports and evaluations.—

(2) The *agency, in consultation with the* department, shall contract for an independent evaluation of the community diversion pilot projects. Such evaluation must include a careful review and assessment of the actual cost for the provision of services to *enrollees* ~~participants~~. *No later than 120 days after the effective date of this section, the agency shall select a contractor with experience and expertise in evaluating capitation rates for managed care organizations serving a disabled or frail elderly population to conduct the evaluation of the community diversion pilot project as defined in s. 430.703. The contractor shall demonstrate the capacity to evaluate managed care arrangements that seek to test the blending of Medicaid and Medicare capitation as a strategy to provide efficient, cost-effective care. The contractor shall report to the agency and the Legislature the specific array of services provided to each enrollee, the average number of times per week each service was provided, the unit cost and total cost per week to provide the service, the total cost of all services provided to the enrollee, and the enrollment period for which total costs were calculated. In addition, the contractor shall report to the agency and the Legislature the total number of enrollees to date; the total payment to the managed care organization for enrollees; the number of enrollees who have been admitted to a nursing facility; the total number of days enrollees have spent in nursing home facilities; the number of enrollees who have disenrolled from the project; the average length of time participants were enrolled, expressed as the mean number of days and standard deviation; the number of persons who disenrolled and subsequently became a nursing home resident; the number of enrollees who have died while enrolled in the project and the mean number of days enrolled prior to death; the list of available services delivered in-home by percentage of enrollees receiving the service; the list of available services delivered out-of-home by percentage of enrollees receiving the service. The evaluation contractor shall analyze and report the individual services and the array of services most associated with effective diversion of frail elderly enrollees from nursing home placement. Further, the contractor will evaluate the project responses to at least the following questions:*

(a) Was the cost of the diversion project per person less than the cost of providing services through fee-for-service Medicaid?

(b) Did the diversion project increase access to physical health care, mental health care, and social services?

(c) Did the diversion project maintain or improve the quality of care and quality of life of the participants?

(d) What was the functional status of participants before enrolling in the diversion project, and what was the functional status at various points during and after enrollment?

(e) How many participants disenrolled and at what point after enrolling?

(f) Why did participants disenroll?

(g) Did the department develop specialized contract standards and quality assurance measures?

(h) Did the department assess quality of care, appropriateness of care claims data analysis, and consumer self-report data?

(i) Does the cost analysis show savings to the state?

(j) What were the results of recipient profile and enrollment analyses?

(k) What were the results of the family satisfaction and consumer outcome analyses?

(l) How did hospital admissions and preventable readmissions differ among nursing home enrollees in the diversion project, nursing home residents not in the project, and frail elders living in the community? Did payer or provider type have a significant relationship to the number of hospital admissions?

(m) What agencies or providers did the diversion project contractor engage to provide noninstitutional services?

(n) Was there a volume-outcome or dose-response relationship between the utilization rate of noninstitutional services, functional assessment, and the ability of the enrollee to remain in the community?

(3) *The evaluation contractor shall submit the final report to the Speaker of the House of Representatives and the President of the Senate on or before February 15, 2002. Subsequent to the completion of the evaluation and submission of the evaluation report to the Legislature,* the *agency, in consultation with the* department, ~~in consultation with the agency,~~ shall assess *and make specific recommendations to the Legislature as to* the feasibility of implementing a managed long-term care system throughout the state to serve appropriate Medicaid-eligible long-term care recipients age 60 years and older.

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(6)~~(5)~~ A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(2) A nursing home facility as defined in *s. 400.021* ~~s. 400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to nursing home beds that are not eligible for Medicaid reimbursement in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the local long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the local ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the local ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner of the facility's license and the year that that entity became the owner of the license.

4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

5. The total number of beds in each facility.

6. The number of private and semiprivate rooms in each facility.

7. The religious affiliation, if any, of each facility.

8. The languages spoken by the administrator and staff of each facility.

9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

10. Recreational and other programs available at each facility.

11. Special care units or programs offered at each facility.

12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.

13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.

15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner or owners of the facility's license and the year that entity became the owner of the license.

4. The total number of beds, and of private and semiprivate rooms, in each facility.

5. The religious affiliation, if any, of each facility.

6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

7. The languages spoken by the administrator and staff of each facility.

8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

9. Recreational programs, special care units, and other programs available at each facility.

10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

11. The Internet address for the site where more detailed information can be seen.

12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.

13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score,

rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.

(d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:

1. The licensure status history of each facility.

2. The rating history of each facility.

3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.

4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.

5. Internet links to the Internet sites of the facilities or their affiliates.

(6) The agency may adopt rules as necessary to administer this section.

Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.

Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submitted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study

determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.

(2) Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The sum of $5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 67. *The sum of $948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 69. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; creating s. 400.1183, F.S.; providing for resident grievance procedures; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician;

providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care; providing requirements; providing for penalties; requiring annual reports; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring inservice training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; providing appropriations; providing for severability; providing effective dates.

Senator Brown-Waite moved the following amendment:

Senate Amendment 1 (260568)(with title amendment) to **House Amendment 1**—On page 1, line 17 through page 129, line 7, delete those lines and insert:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) "Administrator" means the licensed individual who has the general administrative charge of a facility.

(2) "Agency" means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) "Bed reservation policy" means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) "Board" means the Board of Nursing Home Administrators.

(5) "Controlling interest" means:

(a) The applicant for licensure or a licensee;

(b) A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or

(c) A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.

The term does not include a voluntary board member.

(6)~~(5)~~ "Custodial service" means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)~~(6)~~ "Department" means the Department of Children and Family Services.

(8)~~(7)~~ "Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)~~(8)~~ "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)~~(9)~~ "Geriatric patient" means any patient who is 60 years of age or older.

(11)~~(10)~~ "Local ombudsman council" means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)~~(11)~~ "Nursing home bed" means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)~~(12)~~ "Nursing home facility" means any facility which provides nursing services as defined in part I of chapter 464 and which is licensed according to this part.

(14)~~(13)~~ "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)~~(14)~~ "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)~~(15)~~ "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)~~(16)~~ "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, *the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being,* a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. *The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.*

(18)~~(17)~~ "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)~~(18)~~ "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities; an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities; an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident; the impact of the devices on the privacy and dignity of the resident on whose behalf the device is installed and other residents who may be affected by the device; the potential impact on improving the care of residents; the potential impact on the care environment and on staff recruitment and retention; appropriate uses of any tapes if mandated by law, including methods and timeframes for reporting any questionable incidents to the facility and appropriate regulatory agencies; appropriate security needed to protect the integrity of tapes for the protection of the resident and direct-care staff; and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall lead the study and shall submit the findings and recommendations of the study to the Governor, the President of the Senate, and Speaker of the House of Representatives by January 1, 2002.*

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are *violated* ~~deprived or infringed upon~~ shall have a cause of action ~~against any licensee responsible for the violation~~. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident *regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21* ~~when the cause of death resulted from the deprivation or infringement of the decedent's rights~~. *If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.* The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any *violation of* ~~deprivation or infringement on~~ the rights of a resident *or for negligence. Any resident who prevails in seeking*

injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed $25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.~~

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

(a) The defendant owed a duty to the resident;

(b) The defendant breached the duty to the resident;

(c) The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and

(d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

~~(2) Attorneys' fees shall be based on the following criteria:~~

~~(a) The time and labor required;~~

~~(b) The novelty and difficulty of the questions;~~

~~(c) The skill requisite to perform the legal service properly;~~

~~(d) The preclusion of other employment by the attorney due to the acceptance of the case;~~

~~(e) The customary fee;~~

~~(f) Whether the fee is fixed or contingent;~~

~~(g) The amount involved or the results obtained;~~

~~(h) The experience, reputation, and ability of the attorneys;~~

~~(i) The costs expended to prosecute the claim;~~

~~(j) The type of fee arrangement between the attorney and the client;~~

~~(k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;~~

~~(l) Whether the attorney was able to mitigate the risk of nonpayment in any way.~~

(3) In any claim brought pursuant to s. 400.023, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.

(5)~~(3)~~ A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the *administrative* services of a medical director as required in this part. Nothing in this subsection shall be construed to protect a licensee*, person, or entity* from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.

(6) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

(7) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.

~~(4) Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.~~

~~(5) For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.~~

~~(6) To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

~~(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.~~

~~(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.~~

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;

2. Internal review by counsel for each prospective defendant;

3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or

4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. *This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.*

(2)(a) In any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) This section is remedial in nature and shall take effect upon becoming a law.

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a vulnerable adult. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a vulnerable adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.*

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and *shall be $50 per bed. The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12 months immediately preceding the increase* ~~must be reasonably calculated~~ to cover the cost of regulation under this part~~, but may not exceed $35 per bed~~. Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than *$1 million* ~~$500,000~~, the agency may adopt rules to establish a rate which may not exceed $10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches *$1 million* ~~$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of *$2 million* ~~$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this

part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the name and address of *any controlling interest* ~~every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation~~; and the name by which the facility is to be known.

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of *the* ~~its licensed~~ administrator.

(e) A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.

(f)~~(e)~~ The total number of beds and the total number of Medicare and Medicaid certified beds.

(g)~~(f)~~ Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(h)~~(g)~~ Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose*, including information reported under paragraph (2)(e)*. The agency also shall establish documentation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.

(12) As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or

(f)~~(e)~~ Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.

(4) The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly.* Priority for *additional* monitoring visits shall be given to nursing facilities with a history of *resident* ~~patient~~ care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility and shall assess specific conditions in the facility directly related to *resident* ~~patient~~ care*, including the operations of internal quality improvement and risk management programs and adverse incident reports*. The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:

(a) An explanation of how to pursue redress of a grievance.

(b) The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.

(c) A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.

(d) A procedure for providing assistance to residents who cannot prepare a written grievance without help.

(2) Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a categorization of the cases underlying the grievances, and the final disposition of the grievances.

(3) Each facility must respond to the grievance within a reasonable time after its submission.

(4) The agency may investigate any grievance at any time.

(5) The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny *an application*, revoke~~,~~ or suspend a license*,* or impose an administrative fine, not to exceed $500 per violation per day, *against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest:* ~~for~~

(a) A violation of any provision of s. 400.102(1)*;*~~.~~

(b) A demonstrated pattern of deficient practice;

(c) Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;

(d) Exclusion from the Medicare or Medicaid program; or

(e) An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) *Except as provided in s. 400.23(8), a $500 fine shall be imposed* ~~The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed $500~~ for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than $5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid ~~by any nursing home facility licensee under this subsection~~ shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.

(3) The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:

(a) Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;

(b) Is conditionally licensed for 180 or more continuous days;

(c) Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or

(d) Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)~~(3)~~ The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)~~(4)~~(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)~~(5)~~ An action taken by the agency to deny, suspend, or revoke a facility's license under this part~~, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within *60* ~~120~~ days after *the assignment of an administrative law judge* ~~receipt of the facility's request for a hearing~~, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)~~(6)~~ The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of $500 per day for each day the staffing is below the level required by the agency.

(8) An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.

(9) Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.

(10) In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

(12) Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.

(15) Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:

(a) Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.

(b) Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. the turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.

(c) The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.

(d) A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.

(16) Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.

(17) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(18) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

(19) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.

(20) Maintain liability insurance coverage that is in force at all times.

(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 Volunteers in nursing homes.—

(1) It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:

(a) Sign in and out with staff of the nursing home upon entering or leaving the facility.

(b) Wear an identification badge while in the building.

(c) Participate in a facility orientation and training program.

(2) This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 Internal risk management and quality assurance program.—

(1) Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:

(a) A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.

(b) A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.

(c) Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(e) The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:

1. Such education and training of all nonphysician personnel must be part of their initial orientation; and

2. At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.

(f) The analysis of resident grievances that relate to resident care and the quality of clinical services.

(2) The internal risk management and quality assurance program is the responsibility of the facility administrator.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of adverse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.

(4) Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A limitation of neurological, physical, or sensory function;

6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or

7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement.

(6) The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility; and

(c) Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care profes-

sional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

(a) The total number of adverse incidents.

(b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.

(c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state. It is the intent of the Legislature that the Agency for Health Care Administration replicate such oversight for Medicaid recipients in poor-performing nursing homes and in assisted living facilities and nursing homes that are experiencing disproportionate numbers of lawsuits, with the goal of improving the quality of care in such homes or facilitating the revocation of licensure.

(2) The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest-scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project, subject to appropriation, in the highest-scoring homes in counties where such services are immediately available. On January 1 of each year of the pilot project, the agency shall submit to the appropriations and substantive committees of the Legislature and the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121 against nursing homes that have quality-of-care violations.

(3) The pilot project must ensure:

(a) Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home;

(b) Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility;

(c) Frequent onsite visits to the resident;

(d) Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization;

(e) Close communication with regulatory staff;

(f) Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies;

(g) Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed; and

(h) Use of Medicare and other third-party funds to support activities of the program, to the extent possible.

(4) The agency shall model the pilot project activities after such Medicare-approved demonstration projects.

(5) The agency may contract to provide similar oversight services to Medicaid recipients.

(6) The agency shall, jointly with the Statewide Public Guardianship Office, develop a system in the pilot project areas to identify Medicaid recipients who are residents of a participating nursing home or assisted living facility who have diminished ability to make their own decisions and who do not have relatives or family available to act as guardians in nursing homes listed on the Nursing Home Guide Watch List. The agency and the Statewide Public Guardianship Office shall give such residents priority for publicly funded guardianship services.

Section 26. Section 400.1755, Florida Statutes, is created to read:

400.1755 Care for persons with Alzheimer's disease or related disorders.—

(1) As a condition of licensure, facilities licensed under this part must provide to each of their employees, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.

(2) All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour completed in the first 3 months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with persons with dementia.

(3) An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include, but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers.

(a) The required 4 hours of training for certified nursing assistants are part of the total hours of training required annually.

(b) For a health care practitioner as defined in s. 456.001, continuing-education hours taken as required by that practitioner's licensing board shall be counted toward this total of 4 hours.

(4) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.

(5) The Department of Elderly Affairs or its designee must approve the initial and continuing training provided in the facilities. The department must approve training offered in a variety of formats, including, but not limited to, internet-based training, videos, teleconferencing, and classroom instruction. The department shall keep a list of current providers who are approved to provide initial and continuing training. The department shall adopt rules to establish standards for the trainers and the training required in this section.

(6) Upon completing any training listed in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must comply with other applicable continuing education requirements.

An employee hired on or after July 1, 2001, need not comply with the guidelines created in this section before July 1, 2002.

Section 27. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. *The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be $6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys.* The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III *or class IV* deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews *every 3 months* ~~within a 12-month period~~ of each facility *while the facility* ~~which~~ has a conditional *license* ~~licensure status~~. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 28. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.

(b) Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public*:*~~,~~

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 29. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program; ~~or~~

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse*, neglect, or exploitation in that state*; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; and

5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 30. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. ~~The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.~~ In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing *of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002 no facility shall staff below one certified nursing assistant per 20 residents,* and a minimum licensed nursing staffing *of 1.0 hour of direct resident care* per resident per day *but never below one licensed nurse per 40 residents.* ~~, including evening and night shifts and weekends.~~ *Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily* ~~Agency rules shall specify requirements for documentation of compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of~~ the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and

certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency~~, and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended~~. If the facility *has no class I, class II, or class III deficiencies* ~~comes into substantial compliance~~ at the time of the followup survey, a standard licensure status may be assigned.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the planning and service area in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. ~~Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.~~

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) ~~Not later than January 1, 1994,~~ The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.

2. Provide criteria in the areas referenced in paragraph (c).

3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature *and the scope* of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.* The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) *A* class I *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility* ~~present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom~~. The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. ~~Notwithstanding s. 400.121(2),~~ A class I deficiency is subject to a civil penalty *of $10,000 for an isolated deficiency, $12,500 for a patterned deficiency, and $15,000 for a widespread* ~~in an amount not less than $5,000 and not exceeding $25,000 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection.* A fine *must* ~~may~~ be levied notwithstanding the correction of the deficiency.

(b) *A* class II *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services* ~~have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies~~. A class II deficiency is subject to a civil penalty *of $2,500 for an isolated deficiency, $5,000 for a patterned deficiency, and $7,500 for a widespread* ~~in an amount not less than $1,000 and not exceeding $10,000 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine shall be levied notwithstanding the correction of the deficiency.* ~~A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) *A* class III *deficiency is a deficiency that* ~~deficiencies are those which~~ the agency determines *will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services* ~~to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies~~. A class III deficiency *is* ~~shall be~~ subject to a civil penalty of *$1,000 for an isolated deficiency, $2,000 for a patterned deficiency, and $3,000 for a widespread* ~~not less than $500 and not exceeding $2,500 for each and every~~ deficiency. *The fine amount shall be doubled for each deficiency if the facility was previously cited for*

one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A citation for a class III deficiency *must* ~~shall~~ specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed~~, unless it is a repeated offense~~.

(d) A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.

Section 31. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, *as described in s. 400.141,* as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 32. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.

(2) The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.

(3) Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.

(4) The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.

Section 33. Subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the *personal* services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least *quarterly* ~~two times a year~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with

this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular ~~biennial~~ survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that ~~biennially~~ inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the ~~biennial~~ inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during *licensure* ~~biennial~~ inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least *twice* ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is *$300* ~~$240~~ per license, with an additional fee of *$50* ~~$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed $10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $400 per license, *with an additional fee of $10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the* annual license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be *$250* ~~$200~~ per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed $2,000,~~ No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the* ~~$200~~ biennial license fee ~~and the maximum total license fee~~ once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 34. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(n) Any act constituting a ground upon which application for a license may be denied.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.

Section 35. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than *$5,000* ~~$1,000~~ and not exceeding $10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than *$1,000* ~~$500~~ and not exceeding $5,000 for each violation. A citation for a class II violation *must* ~~shall~~ specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than *$500* ~~$100~~ and not exceeding $1,000 for each violation. A citation for a class III violation *must* ~~shall~~ specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an administrative fine of not less than *$100* ~~$50~~ nor more than $200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2) The agency may set and levy a fine not to exceed $1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed $10,000 per survey.~~

(2)~~(3)~~ In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(3)~~(4)~~ Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

(4)~~(5)~~ Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)~~(6)~~ For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

(6)~~(7)~~ Any unlicensed facility that continues to operate after agency notification is subject to a $1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of $500 per day.~~

(7)~~(8)~~ Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of $5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of $500 per day retroactive to the date of agency notification.~~

(8)~~(9)~~ Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine *of* ~~not to exceed~~ $5,000.

(9)~~(10)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

(10)~~(11)~~ The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

(11)~~(12)~~ Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

(12)~~(13)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined $5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 36. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.

(2) Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:

(a) An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;

6. Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Events reported to law enforcement; or

(d) Elopement.

(3) Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.

(4) Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.

(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(6) The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:

(a) A total number of adverse incidents;

(b) A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;

(c) A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;

(d) Types of liability claims filed based on an adverse incident report or reportable injury; and

(e) Disciplinary action taken against staff, categorized by the type of staff involved.

(7) The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

(8) If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.

(9) The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.

(10) The Department of Elderly Affairs may adopt rules necessary to administer this section.

Section 37. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

Section 38. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(k) At least *45* ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least *45* ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action ~~against any facility owner, administrator, or staff responsible for the violation~~. The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident *regardless of the cause of death* ~~when the cause of death resulted from a violation of the decedent's rights, to enforce such rights~~. *If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.* The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages *for violation of the rights of a resident or negligence* ~~when malicious, wanton, or willful disregard of the rights of others can be shown~~. *Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed $25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303.* ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.~~

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

(a) The defendant owed a duty to the resident;

(b) The defendant breached the duty to the resident;

(c) The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and

(d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to s. 400.429, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. ~~To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

(5)~~(3)~~ Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(6)~~(4)~~ In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a

copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;

2. Internal review by counsel for each prospective defendant;

3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or

4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall

waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 42. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 43. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.

Section 44. Section 400.4297, Florida Statutes, is created to read:

400.4297 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.4298, Florida Statutes, is created to read:

400.4298 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of $4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 46. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or local long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility. *Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards.*

Section 47. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;

2. The provision of personal services;

3. The provision of, or arrangement for, social and leisure activities;

4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;

5. The management of medication;

6. The nutritional needs of residents; ~~and~~

7. Resident records*; and*~~.~~

8. Internal risk management and quality assurance.

(4) The agency may use an abbreviated biennial *standard licensure* inspection *that* ~~which~~ consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 48. Section 400.449, Florida Statutes, is created to read:

400.449 Resident records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.

Section 49. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended and subsection (22) is added to that section, to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorpo-

rated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall ~~apply only to fiscal year 2000-2001 and shall~~ be implemented to the extent existing appropriations are available. ~~The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(22) The agency shall request and implement Medicaid waivers from the federal Health Care Financing Administration to advance and treat a portion of the Medicaid nursing home per diem as capital for creating and operating a risk-retention group for self-insurance purposes, consistent with federal and state laws and rules.

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(6)~~(5)~~ A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(2) A nursing home facility as defined in *s. 400.021* ~~s. 400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to sheltered nursing home beds in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the local long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the local ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the local ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner of the facility's license and the year that that entity became the owner of the license.

4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

5. The total number of beds in each facility.

6. The number of private and semiprivate rooms in each facility.

7. The religious affiliation, if any, of each facility.

8. The languages spoken by the administrator and staff of each facility.

9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

10. Recreational and other programs available at each facility.

11. Special care units or programs offered at each facility.

12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.

13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.

15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner or owners of the facility's license and the year that entity became the owner of the license.

4. The total number of beds, and of private and semiprivate rooms, in each facility.

5. The religious affiliation, if any, of each facility.

6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

7. The languages spoken by the administrator and staff of each facility.

8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

9. Recreational programs, special care units, and other programs available at each facility.

10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

11. The Internet address for the site where more detailed information can be seen.

12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.

13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.

(d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:

1. The licensure status history of each facility.

2. The rating history of each facility.

3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.

4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.

5. Internet links to the Internet sites of the facilities or their affiliates.

(6) The agency may adopt rules as necessary to administer this section.

Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.

Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in

any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submitted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.

(2) Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The Agency for Health Care Administration shall not take any administrative action to enforce the requirement that nursing home facilities and assisted living facilities maintain liability insurance until after January 1, 2002.*

Section 67. *The sum of $5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *The sum of $948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 69. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 70. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 129, line 15 through page 139, line 28, delete those lines and insert: A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; creating s. 400.1183, F.S.; providing for resident grievance procedures; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring inservice training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s.

768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; authorizing waivers to treat a portion of the Medicaid nursing home per diem as capital for a risk-retention group; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; prohibiting enforcement of provisions relating to a requirements for liability insurance until a specified date; providing appropriations; providing for severability; providing effective dates.

Senator Silver moved the following amendment to the amendment which was adopted:

Senate Amendment 1A (712698) to Senate Amendment 1 to House Amendment 1—On page 128, lines 25-29, delete those lines and insert:

Section 67. *(1) The sum of $5,035,636 is appropriated from the General Revenue Fund, the sum of $3,428,975 is appropriated from the Health Care Trust Fund, and the sum of $6,710,164 is appropriated from the Medical Care Trust Fund to the Agency for Health Care Administration, and 79 positions are authorized, for the purposes of implementing this act during the 2001-2002 fiscal year.*

(2) The sum of $100,000 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purposes of implementing this act during the 2001-2002 fiscal year.

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Brown-Waite, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for CS for SB 1202 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CONSIDERATION OF BILLS OUT OF ORDER

On motions by Senator Brown-Waite, by unanimous consent—

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

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

Amendment 1 (500422)—On page 1, line 21, delete "*400.430*" and insert: *400.4298*

On motion by Senator Brown-Waite, by two-thirds vote **HB 1861** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Lawson

MOTIONS

On motion by Senator Sanderson, the rules were waived and by two-thirds vote **HB 915** was placed on the Local Bill Calendar and taken up instanter.

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

HB 915—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorpo-

rated land; providing for an election; providing for an effective date of annexation; providing an effective date.

—was read the second time by title. On motion by Senator Sanderson, by two-thirds vote **HB 915** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 2060.

John B. Phelps, Clerk

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 631.57, F.S.; exempting malpractice premiums from assessments that are due to insolvent property insurers; amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Latvala, the Senate reconsidered the vote by which **CS for SB 2060** as amended passed April 26.

On motion by Senator Latvala, further consideration of **CS for SB 2060** as amended was deferred.

RECESS

On motion by Senator Lee, the Senate recessed at 5:34 p.m. to reconvene at 6:00 p.m. or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 6:15 p.m. A quorum present—40:

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

BILLS ON THIRD READING, continued

SENATOR SILVER PRESIDING

CS for SB 1558—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing-education tracking system; amending ss. 457.107, 483.807, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination-item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; prohibiting a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for publication of information; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising provisions governing and providing for disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of licenses for violations relating to fraudulent practices; amend-

ing s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 456.003, F.S.; providing a limitation on the duties of certain boards; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Saunders moved the following amendment:

Amendment 1 (791604)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the Medical Quality Assurance Trust Fund should be administered in a fiscally responsible manner. It is also the intent of the Legislature that the Department of Health reduce expenses wherever possible to ensure that the cost of regulation is reasonable and fair and does not serve as a barrier to licensure in this state. The Legislature adopts findings 1, 2, 4, 5, and 8 and the recommendations of the Auditor General's Medical Quality Assurance Operational Audit Report Number 01-063. In addition, the Legislature adopts recommendations 1, 2, 4, 5, and 7 of the Florida Senate Committee on Fiscal Policy Interim Project Report 2001-016.*

Section 2. *The Auditor General shall conduct a followup audit to the Medical Quality Assurance Operational Audit Report Number 01-063 to determine if the Department of Health has implemented the recommendations of that report. The Auditor General shall complete the followup audit and issue a report to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2002.*

Section 3. *The contract between the Department of Health and the Agency for Health Care Administration pursuant to section 20.43(3), Florida Statutes, is not subject to the provisions of section 216.346, Florida Statutes. The Department of Health shall reimburse the Agency for Health Care Administration for the agency's actual direct costs and the agency's indirect costs incurred as a result of the contract, subject to appropriated funds. The agency shall provide to the department documentation, explanation, and justification of all direct and indirect costs incurred, by budget entity.*

Section 4. *The Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within a single department. The study shall be completed and a report issued to the President of the Senate and the Speaker of the House of Representatives no later than November 30, 2001.*

Section 5. Subsection (1) of section 456.004, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. *The rules shall specify the expiration dates of licenses and the process for tracking compliance with continuing education requirements, financial responsibility requirements, and any other conditions of renewal set forth in statute or rule.* Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(10) Set an examination fee that includes all costs to develop, purchase, validate, administer, and defend the examination and is an amount certain to cover all administrative costs plus the actual per-applicant cost of the examination.

Section 6. Section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(1) It is the intent of the Legislature that all costs of regulating health care professions and practitioners shall be borne solely by licensees and licensure applicants. It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure. Moreover, it is the intent of the Legislature that the department operate as efficiently as possible and regularly report to the Legislature additional methods to streamline operational costs. Therefore, the boards in consultation with the department, or the department if there is no board, shall, by rule, set renewal fees which:

(a) Shall be based on revenue projections prepared using generally accepted accounting procedures;

(b) Shall be adequate to cover all expenses relating to that board identified in the department's long-range policy plan, as required by s. 456.005;

(c) Shall be reasonable, fair, and not serve as a barrier to licensure;

(d) Shall be based on potential earnings from working under the scope of the license;

(e) Shall be similar to fees imposed on similar licensure types;

(f) Shall not be more than 10% greater than the fee imposed for the previous biennium;

(g) Shall not be more than 10% greater than the actual cost to regulate that profession for the previous biennium; and

(h) Shall be subject to challenge pursuant to chapter 120.

(2) The chairpersons of the boards and councils listed in s. 20.43(3)(g), shall meet annually at division headquarters to review the long-range policy plan required by s. 456.005 and current and proposed fee schedules. The chairpersons shall make recommendations for any necessary statutory changes relating to fees and fee caps. Such recommendations shall be compiled by the Department of Health and be included in the annual report to the Legislature required by s. 456.026 as well as be included in the long-range policy plan required by s. 456.005.

(2)~~(1)~~ Each board within the jurisdiction of the department, or the department when there is no board, shall determine by rule the amount of license fees for the profession it regulates, based upon long-range estimates prepared by the department of the revenue required to implement laws relating to the regulation of professions by the department and the board. Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this chapter. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(3)~~(2)~~ Each board, or the department if there is no board, may charge a fee not to exceed $25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

(4)~~(3)~~ Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active status licensee and each inactive status licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(5) If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consultation with the department, may lower the license renewal fees.

(6)~~(4)~~ Each board ~~authorized to approve continuing education providers~~, or the department if there is no board, *shall* ~~may~~ establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses *or programs* and *shall* ~~may~~ establish by

rule a biennial renewal fee not to exceed $250 for the renewal of providership of such courses. *The fees collected from continuing education providers shall be used for the purposes of reviewing course provider applications, monitoring the integrity of the courses provided, covering legal expenses incurred as a result of not granting or renewing a providership, and developing and maintaining an electronic continuing education tracking system. The department shall implement an electronic continuing education tracking system for each new biennial renewal cycle for which electronic renewals are implemented after the effective date of this act and shall integrate such system into the licensure and renewal system. All approved continuing education providers shall provide information on course attendance to the department necessary to implement the electronic tracking system. The department shall, by rule, specify the form and procedures by which the information is to be submitted.* ~~This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.~~

(7)~~(5)~~ All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this chapter. The Legislature shall appropriate funds from this trust fund sufficient to carry out this chapter and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this chapter for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The regulation by the department of professions, as defined in this chapter, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. *On or before October 1 of each year,* the department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 456.026.

(8)~~(6)~~ The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(9)~~(7)~~ If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed $25 before issuance of the duplicate license.

(10)~~(8)~~ The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 7. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the *required* fee set by the board by rule, not to exceed $500.

Section 8. *Section 458.31151, Florida Statutes, is repealed.*

Section 9. Subsection (1) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing and renewal, *registration, laboratory training program application,* reinstatement, and recordmaking and recordkeeping. The board may also establish, by rule, a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on departmental estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of clinical laboratory personnel.

Section 10. Subsections (1), (3), and (4) of section 456.011, Florida Statutes, are amended to read:

456.011 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this *chapter* ~~section~~.

(3) The board shall meet at least once annually and may meet as often as is necessary. *Meetings shall be conducted through teleconferencing or other technological means, unless disciplinary hearings involving standard of care, sexual misconduct, fraud, impairment, or felony convictions; licensure denial hearings; or controversial rule hearings are being conducted; or unless otherwise approved in advance of the meeting by the director of the Division of Medical Quality Assurance.* The chairperson or a quorum of the board shall have the authority to call ~~other~~ meetings*, except as provided above relating to in-person meetings*. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated $50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls *that last less than 4 hours*. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

Section 11. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department *shall* ~~may~~ charge an initial license fee as determined by ~~rule of~~ the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches. The licensee shall surrender to the department the wallet-size

identification card, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license is revoked.

Section 12. Section 456.017, Florida Statutes, is amended to read:

456.017 Department of Health; examinations.—

(1)(a) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. The department shall certify that examinations developed and approved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination developed or approved by the department has been administered, the board, or the department when there is no board, may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department may contract for the preparation, administration, scoring, score reporting, and evaluation of examinations, when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board, or the department when there is no board, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. *The department shall assess*~~, and~~ fees~~, where applicable,~~ to cover the actual cost for any purchase, development, *validation,* ~~and~~ administration*, and defense* of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c). If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, or the department when there is no board, may conduct such exercise. Therefore, board members, or employees of the department when there is no board, may serve as examiners at a practical examination with the consent of the board or department, as appropriate.

(c)*1.* The board, or the department when there is no board, *shall* ~~may~~ approve by rule the use of *one or more* ~~any~~ national *examinations* ~~examination~~ which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001. Neither the board nor the department may administer a state-developed written examination after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 456.065 to seek fines and injunctive relief against an examinee who violates the provisions of s. 456.018 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules. *The scores of candidates who have taken state-developed examinations shall be provided to the candidates electronically using a candidate identification number, and the department shall post the aggregate scores on the department's website without identifying the names of the candidates.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority *or a national testing entity* an examination *or examination item bank* developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter.

(f) The department may adopt rules necessary to administer this subsection.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. *Notwithstanding any other provisions, only candidates who fail an examination by less than ten percent shall be entitled to challenge the validity of the examination at hearing.*

(3) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to this section.

(4) Meetings of any member of the department or of any board within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. *Notwithstanding any other provision of law,* applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the

department's development, preparation, *validation,* administration, grading, and evaluation of any examination in a language other than English *prior to the examination being administered*. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, *and notwithstanding the provisions in paragraph (1)(c),* an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act. *Beginning October 1, 2001, all laws and rules examinations shall be administered electronically unless the laws and rules examination is administered concurrently with another written examination for that profession or unless the electronic administration would be substantially more expensive.*

Section 13. Subsection (1) of section 456.035, Florida Statutes, is amended to read:

456.035 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. *Electronic notification shall be allowed by the department; however, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.* A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

Section 14. Subsections (2), (4), and (10) of section 456.073, Florida Statutes, are amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. *The department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense.* At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department*, in consultation with the applicable probable cause panel,* ~~if there is no board, or each board~~ must establish a plan to *expedite* ~~reduce~~ or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this chapter. All proceedings of the probable cause panel are exempt from s. 120.525.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. Upon completion of the investigation *and a recommendation by the department to find probable cause,* and pursuant to a written request by the subject *or the subject's attorney*, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 456.057, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain

the confidentiality of patient records pursuant to s. 456.057. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days *of mailing by the department*, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

Section 15. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter *on the department's website*, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in *disciplinary action* ~~fines, suspensions, or revocations,~~ and any other information the department or the board determines is of interest to the public.

Section 16. Subsection (3) of section 456.079, Florida Statutes, is amended to read:

456.079 Disciplinary guidelines.—

(3) A specific finding *in the final order* of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

Section 17. Subsections (1) and (2) of section 457.109, Florida Statutes, are amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as an acupuncturist. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(r) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(s) Violating ~~any provision of this chapter, a rule of the department, or~~ a lawful order of the *board* ~~department~~ previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or*

licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). ~~When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.~~

Section 18. Subsections (1) and (2) of section 458.315, Florida Statutes, are amended to read:

458.315 Temporary certificate for practice in areas of critical need.—Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of $300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(1) The board shall determine the areas of critical need, and the physician so certified may practice in any of those areas for a time to be determined by the board. Such areas shall include, but not be limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

(a) A recipient of a temporary certificate for practice in areas of critical need may use the license to work for any approved employer in any area of critical need approved by the board.

(b) The recipient of a temporary certificate for practice in areas of critical need shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and of all approved institutions where practice privileges have been denied.

(c) A physician practicing under a temporary certificate is immune from civil liability for any act or omission by such physician which results in personal injury or property damage if:

1. The physician was acting in good faith within the scope of his or her duties and was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and

2. The injury or damage was not caused by any wanton or willful misconduct on the part of the physician in the performance of such duties.

(2) The board may administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary. *Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate or notify the applicant of denial.*

Section 19. Subsection (6) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action *under* ~~as specified in~~ s. 458.331.

Section 20. Subsections (1) and (2) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. A treatment provider approved pursuant to s. 456.076 shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) Violating ~~any provision of this chapter, a rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(gg) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(hh) Improperly interfering with an investigation or with any disciplinary proceeding.

(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

(mm) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(nn) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.~~

~~(g) Issuance of a letter of concern.~~

~~(h) Corrective action.~~

~~(i) Refund of fees billed to and collected from the patient.~~

~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 21. Subsection (2) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute *grounds* ~~the basis~~ for ~~imposing a~~ disciplinary *action under* ~~penalty specified in~~ s. 458.331~~(2)(b)~~ until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

Section 22. Subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties *authorized under* ~~specified in~~ ss. 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 23. Subsection (6) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action *under* ~~as specified in~~ s. 459.015.

Section 24. Subsections (1) and (2) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine or a certificate issued under this chapter by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of administrative charges against the physician shall be construed as action against the physician's license.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. A treatment provider, approved pursuant to s. 456.076, shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.

(h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

(k) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the osteopathic physician requested to provide services.

(l) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of osteopathic medicine or employing a trick or scheme in the practice of osteopathic medicine.

(n) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or forms of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(o) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(p) Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.

(q) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs.

(r) Promoting or advertising on any prescription form of a community pharmacy, unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(s) Performing professional services which have not been duly authorized by the patient or client or his or her legal representative except as provided in s. 743.064, s. 766.103, or s. 768.13.

(t) Prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to his or her intent.

(u) Prescribing or dispensing any medicinal drug appearing on any schedule set forth in chapter 893 by the osteopathic physician for himself or herself or administering any such drug by the osteopathic physician to himself or herself unless such drug is prescribed for the osteopathic physician by another practitioner authorized to prescribe medicinal drugs.

(v) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(w) Being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, have the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

(y) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(aa) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(bb) Violating ~~any provision of this chapter, a rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(cc) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(dd) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(ee) Presigning blank prescription forms.

(ff) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the osteopathic physician for office use.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Sched-

ule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(hh) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced registered nurse practitioners, or other persons acting under the supervision of the osteopathic physician.

(ii) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(jj) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(kk) Improperly interfering with an investigation or with any disciplinary proceeding.

(ll) Failing to report to the department any licensee under chapter 458 or under this chapter who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(mm) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

(oo) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(pp) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify, or certify with restrictions, to the department an application for certification, licensure, renewal, or reactivation.~~

~~(b) Revocation or suspension of a license or certificate.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Issuance of a letter of concern.~~

~~(g) Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another osteopathic physician.~~

~~(h) Corrective action.~~

~~(i) Refund of fees billed to and collected from the patient.~~

~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 25. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties *authorized under* ~~specified in~~ ss. 456.072 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 26. Subsections (1) and (2) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Causing to be advertised, by any means whatsoever, any advertisement which does not contain an assertion or statement which would identify herself or himself as a chiropractic physician or identify such chiropractic clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

(f) Advertising, practicing, or attempting to practice under a name other than one's own.

(g) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic medicine contrary to this chapter or to a rule of the department or the board.

(i) Failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

(j) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity of a licensed chiropractic physician.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods or appliances, or drugs.

(o) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s. 460.403(9)(c)2., performing any surgery, or practicing obstetrics.

(q) Being unable to practice chiropractic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic medicine with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(t) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(u) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) Violating ~~any provision of this chapter, any rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(x) Submitting to any third-party payor a claim for a service or treatment which was not actually provided to a patient.

(y) Failing to preserve identity of funds and property of a patient. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited in one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and no funds belonging to the chiropractic physician shall be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

(z) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured.

(aa) Failing to provide, upon request of the insured, a copy of a claim submitted to any third-party payor for service or treatment of the insured.

(bb) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third-party payors for that service or treatment.

(cc) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount, rebate, or free offering.

(dd) Using acupuncture without being certified pursuant to s. 460.403(9)(f).

(ee) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the chiropractic physician or chiropractic physician's assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician or chiropractic physician's assistant also provides services.

(ff) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.~~

~~(g) Imposition of costs of the investigation and prosecution.~~

~~(h) Requirement that the chiropractic physician undergo remedial education.~~

~~(i) Issuance of a letter of concern.~~

~~(j) Corrective action.~~

~~(k) Refund of fees billed to and collected from the patient or a third party.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

Section 27. Subsections (1) and (2) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, permitting, or advising any unlicensed person to practice podiatric medicine contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatric physician.

(j) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(k) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(l) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(m) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(n) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(o) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatric physician's professional practice, without regard to her or his intent.

(p) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatric physician to herself or himself except those prescribed, dispensed, or administered to the podiatric physician by another practitioner authorized to prescribe, dispense, or administer them.

(q) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(r) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatric physician to submit to a mental or physical examination by physicians

designated by the department. Failure of a podiatric physician to submit to such examination when directed shall constitute an admission of the allegations against her or him, unless the failure was due to circumstances beyond her or his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatric physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatric physicians. As used in this paragraph, "gross malpractice" or "the failure to practice podiatric medicine with the level of care, skill, and treatment which is recognized by a reasonably prudent similar podiatric physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(t) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(u) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(w) Violating ~~any provision of this chapter or chapter 456, any rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(x) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(y) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for any of the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(z) Fraud, deceit, or misconduct in the practice of podiatric medicine.

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician also provides services.

(bb) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(cc) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placing the podiatric physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatric physician to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatric physician.~~

~~(g) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

Section 28. Subsections (1) and (2) of section 462.14, Florida Statutes, are amended to read:

462.14 Grounds for disciplinary action; action by the department.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice naturopathic medicine by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice naturopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of naturopathic medicine or to the ability to practice naturopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice naturopathic medicine contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed naturopathic physician.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed naturopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a naturopathic physician from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her or his physician.

(l) Making deceptive, untrue, or fraudulent representations in the practice of naturopathic medicine or employing a trick or scheme in the practice of naturopathic medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and records of the prescribing, dispensing and administering of drugs.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the naturopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the naturopathic physician's professional practice, without regard to her or his intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the naturopathic physician to herself or himself, except one prescribed, dispensed, or administered to the naturopathic physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice naturopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a naturopathic physician to submit to a mental or physical examination by physicians designated by the department. The failure of a naturopathic physician to submit to such an examination when so directed shall constitute an admission of the allegations against her or him upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the naturopathic physician's control. A naturopathic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of naturopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department may be used against a naturopathic physician in any other proceeding.

(t) Gross or repeated malpractice or the failure to practice naturopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The department shall give great weight to the provisions of s. 766.102 when enforcing this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, constitutes experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) Violating ~~any provision of this chapter, any rule of the department, or~~ a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing by the naturopathic physician for office use any medicinal drug appearing on Schedule II in chapter 893.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug, or a compound designated pursuant to chapter 893 as a Schedule II controlled substance to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction.

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities.

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the department before such investigation is begun.

(dd) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ee) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the naturopathic physician on probation for a period of time and subject to such conditions as the department may specify, including, but not limited to, requiring the naturopathic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another naturopathic physician.~~

Section 29. Subsections (1) and (2) of section 463.016, Florida Statutes, are amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Procuring or attempting to procure a license to practice optometry by bribery, by fraudulent misrepresentations, or through an error of the department or board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Having a license to practice optometry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed by the licensee in her or his capacity as a licensed practitioner.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud or deceit, negligence or incompetency, or misconduct in the practice of optometry.

(h) A violation or repeated violations of provisions of this chapter, or of chapter 456, and any rules promulgated pursuant thereto.

(i) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(j) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(k) Failing to keep written optometric records about the examinations, treatments, and prescriptions for patients.

(l) Willfully failing to report any person who the licensee knows is in violation of this chapter or of rules of the department or the board.

(m) Gross or repeated malpractice.

(n) Practicing with a revoked, suspended, inactive, or delinquent license.

(o) Being unable to practice optometry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A licensed practitioner affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of optometry with reasonable skill and safety to patients.

(p) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida laws or rules regulating optometry.

(q) Violating any provision of s. 463.014 or s. 463.015.

(r) Violating any lawful order of the board or department, previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know she or he is not competent to perform.

(t) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The department may enter an order imposing any of the penalties in s. 456.072(2) against any licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensed practitioner on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensed practitioner to submit to treatment, to attend continuing education courses, or to work under the supervision of another licensed practitioner.~~

Section 30. Subsections (1) and (2) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary action set forth in this section~~:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

(e) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

(f) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(g) False, misleading, or deceptive advertising.

(h) Unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

(i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(m) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(n) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license with reinstatement subject to the provisions of subsection (3).~~

~~(c) Permanent revocation of a license.~~

~~(d) Restriction of practice.~~

~~(e) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(f) Issuance of a reprimand.~~

~~(g) Placement of the nurse on probation for a period of time and subject to such conditions as the board may specify, including requiring the nurse to submit to treatment, to attend continuing education courses, to take an examination, or to work under the supervision of another nurse.~~

Section 31. Subsection (3) of section 465.008, Florida Statutes, is amended to read:

465.008 Renewal of license.—

~~(3) Sixty days prior to the end of the biennium the department shall mail a notice of renewal to the last known address of the licensee.~~

Section 32. Subsections (1) and (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary action set forth in this section~~:

(a) Obtaining a license by misrepresentation or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy owned and operated by such pharmacist or in a pharmacy where such pharmacist is employed or on duty.

(d) Being unfit or incompetent to practice pharmacy by reason of:

1. Habitual intoxication.

2. The misuse or abuse of any medicinal drug appearing in any schedule set forth in chapter 893.

3. Any abnormal physical or mental condition which threatens the safety of persons to whom she or he might sell or dispense prescriptions, drugs, or medical supplies or for whom she or he might manufacture, prepare, or package, or supervise the manufacturing, preparation, or packaging of, prescriptions, drugs, or medical supplies.

(e) Violating ~~any of the requirements of this chapter; or if licensed as a practitioner in this or any other state, violating any of the requirements of their respective practice act or violating~~ chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or chapter 893.

(f) Having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.

(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.019(6) or s. 465.025.

(h) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.

(i) Compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional

practice of pharmacy. For purposes of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.

(j) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records include only those which the licensee is required to make or file in her or his capacity as a licensed pharmacist.

(k) Failing to make prescription fee or price information readily available by failing to provide such information upon request and upon the presentation of a prescription for pricing or dispensing. Nothing in this section shall be construed to prohibit the quotation of price information on a prescription drug to a potential consumer by telephone.

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, correctional facility, or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

(m) Being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A pharmacist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of pharmacy with reasonable skill and safety to her or his customers.

(n) Violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing.

(o) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(p) Failing to notify the Board of Pharmacy in writing within 20 days of the commencement or cessation of the practice of the profession of pharmacy in Florida when such commencement or cessation of the practice of the profession of pharmacy in Florida was a result of a pending or completed disciplinary action or investigation in another jurisdiction.

(q) Using or releasing a patient's records except as authorized by this chapter and chapter 456.

(r) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.~~

Section 33. Subsections (1) and (2) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of dentistry or dental hygiene. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content contrary to s. 466.019 or rules of the board adopted pursuant thereto.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.

(h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry.

(i) Failing to perform any statutory or legal obligation placed upon a licensee.

(j) Making or filing a report which the licensee knows to be false, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.

(k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.

(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry.

(m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X rays, if taken.

(n) Failing to make available to a patient or client, or to her or his legal representative or to the department if authorized in writing by the patient, copies of documents in the possession or under control of the licensee which relate to the patient or client.

(o) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in ss. 766.103 and 768.13.

(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For

the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to her or his intent.

(q) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to herself or himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or a compound thereof, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or her or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of her or his profession with reasonable skill and safety to patients.

(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(u) Failure to provide and maintain reasonable sanitary facilities and conditions.

(v) Failure to provide adequate radiation safeguards.

(w) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(x) Being guilty of incompetence or negligence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience or being guilty of dental malpractice. For purposes of this paragraph, it shall be legally presumed that a dentist is not guilty of incompetence or negligence by declining to treat an individual if, in the dentist's professional judgment, the dentist or a member of her or his clinical staff is not qualified by training and experience, or the dentist's treatment facility is not clinically satisfactory or properly equipped to treat the unique characteristics and health status of the dental patient, provided the dentist refers the patient to a qualified dentist or facility for appropriate treatment. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of $5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.

(y) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(z) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them.

(aa) The violation ~~or the repeated violation of this chapter, chapter 456, or any rule promulgated pursuant to chapter 456 or this chapter; the violation~~ of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.

(bb) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.

(dd) Presigning blank prescription or laboratory work order forms.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Operating or causing to be operated a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be performed, or the failure to maintain patient records as required by this chapter.

(gg) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(hh) Failing to report to the department any licensee under chapter 458 or chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

(ii) Failing to report to the board, in writing, within 30 days if action has been taken against one's license to practice dentistry in another state, territory, or country.

(jj) Advertising specialty services in violation of this chapter.

(kk) Allowing any person other than another dentist or a professional corporation or limited liability company composed of dentists to direct, control, or interfere with a dentist's clinical judgment; however, this paragraph may not be construed to limit a patient's right of informed consent. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

(ll) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $3,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate competency through a written or practical examination or to work under the supervision of another licensee.~~

~~(f) Restricting the authorized scope of practice.~~

Section 34. Section 466.037, Florida Statutes, is amended to read:

466.037 Suspension and revocation; administrative fine.—The department may suspend or revoke the certificate of any dental laboratory registered under s. 466.032, for failing to comply with the provisions of this chapter or rules adopted by the department under this chapter. The department may impose an administrative fine ~~not to exceed $500 for each count or separate offense~~.

Section 35. Subsections (1) and (2) of section 467.203, Florida Statutes, are amended to read:

467.203 Disciplinary actions; penalties.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary action as set forth in this section~~:

(a) Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

(e) Advertising falsely, misleadingly, or deceptively.

(f) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.

(g) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of midwifery with reasonable skill and safety.

(h) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(i) ~~Willfully or repeatedly~~ Violating ~~any provision of this chapter, any rule of the department, or~~ any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to approve an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under part I of chapter 464.~~

Section 36. Subsections (1) and (2) of section 468.1295, Florida Statutes, are amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 456.065~~:

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, chapter 456, or any rule adopted pursuant thereto.

~~(m) Violating any provision of this part or chapter 456 or any rule adopted pursuant thereto.~~

(m)~~(n)~~ Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(n)~~(o)~~ Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o)~~(p)~~ Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p)~~(q)~~ Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(q)~~(r)~~ Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(r)~~(s)~~ Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

(s)~~(t)~~ Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(t)~~(u)~~ Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(u)~~(v)~~ Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(v)~~(w)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(w)~~(x)~~ Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(x)~~(y)~~ Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(y)~~(z)~~ Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(z)~~(aa)~~ Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(aa)~~(bb)~~ Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

(bb) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify, or to certify with restrictions, an application for licensure.~~

~~(b) Suspension or permanent revocation of a license.~~

~~(c) Issuance of a reprimand.~~

~~(d) Restriction of the authorized scope of practice.~~

~~(e) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(f) Placement of the licensee or certificateholder on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee or certificateholder to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violation found.~~

~~(g) Corrective action.~~

Section 37. Subsections (1) and (2) of section 468.1755, Florida Statutes, are amended to read:

468.1755 Disciplinary proceedings.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions in subsection (2) may be taken~~:

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(b) Attempting to procure a license to practice nursing home administration by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(c) Having a license to practice nursing home administration revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of nursing home administration or the ability to practice nursing home administration. Any plea of nolo contendere shall be considered a conviction for purposes of this part.

(e) Making or filing a report or record which the licensee knows to be false, intentionally failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed nursing home administrator.

(f) Authorizing the discharge or transfer of a resident for a reason other than those provided in ss. 400.022 and 400.0255.

(g) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(h) Fraud or deceit, negligence, incompetence, or misconduct in the practice of nursing home administration.

~~(i) A violation or repeated violations of this part, chapter 456, or any rules promulgated pursuant thereto.~~

(i)~~(j)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(j)~~(k)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

(k)~~(l)~~ Repeatedly acting in a manner inconsistent with the health, safety, or welfare of the patients of the facility in which he or she is the administrator.

(l)~~(m)~~ Being unable to practice nursing home administration with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to serve as a nursing home administrator due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a nursing home administrator. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he or she can resume the competent practice of nursing home administration with reasonable skill and safety to patients.

(m)~~(n)~~ Willfully or repeatedly violating any of the provisions of the law, code, or rules of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes.

(n)~~(o)~~ Paying, giving, causing to be paid or given, or offering to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage.

(o)~~(p)~~ Willfully permitting unauthorized disclosure of information relating to a patient or his or her records.

(p)~~(q)~~ Discriminating with respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

(q) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.~~

~~(f) Restriction of the authorized scope of practice.~~

Section 38. Section 468.217, Florida Statutes, is amended to read:

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.—

(1) *The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~The board may deny or refuse to renew a license, suspend or revoke a license, issue a reprimand, impose a fine, or impose probationary conditions upon a licensee, when the licensee or applicant for license has been guilty of unprofessional conduct which has endangered, or is likely to endanger, the health, welfare, or safety of the public. Such unprofessional conduct includes~~:

(a) Attempting to obtain, obtaining, or renewing a license to practice occupational therapy by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license to practice occupational therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of occupational therapy or to the ability to practice occupational therapy. A plea of nolo contendere shall be considered a conviction for the purposes of this part.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own name.

(f) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or of the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice occupational therapy contrary to this part or to a rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed occupational therapist or occupational therapy assistant.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those which are signed in the capacity as a licensed occupational therapist or occupational therapy assistant.

(j) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an occupational therapist or occupational therapy assistant from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-therapist relationship for purposes of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's occupational therapist or occupational therapy assistant.

(l) Making deceptive, untrue, or fraudulent representations in the practice of occupational therapy or employing a trick or scheme in the practice of occupational therapy if such scheme or trick fails to conform to the generally prevailing standards of treatment in the occupational therapy community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication

which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 768.13.

(q) Gross or repeated malpractice or the failure to practice occupational therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar occupational therapist or occupational therapy assistant as being acceptable under similar conditions and circumstances.

(r) Performing any procedure which, by the prevailing standards of occupational therapy practice in the community, would constitute experimentation on a human subject without first obtaining full, informed, and written consent.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t) Being unable to practice occupational therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel an occupational therapist or occupational therapy assistant to submit to a mental or physical examination by physicians designated by the department. The failure of an occupational therapist or occupational therapy assistant to submit to such examination when so directed constitutes an admission of the allegations against him or her, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control. An occupational therapist or occupational therapy assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of occupational therapy with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against an occupational therapist or occupational therapy assistant in any other proceeding.

(u) Delegating professional responsibilities to a person when the licensee who is delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) Violating ~~any provision of this part, a rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3)~~(2)~~ The board may not reinstate the license of an occupational therapist or occupational therapy assistant, or cause a license to be issued to a person it has deemed unqualified, until such time as the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of safely engaging in the practice of occupational therapy.

Section 39. Subsections (1) and (2) of section 468.365, Florida Statutes, are amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions in subsection (2) may be taken~~:

(a) Procuring, attempting to procure, or renewing a license as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) ~~Willfully or repeatedly~~ Violating ~~a rule of the board or the department or~~ a lawful order of the board or department previously entered in a disciplinary hearing.

~~(j) Violation of any rule adopted pursuant to this part or chapter 456.~~

(j)~~(k)~~ Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive license.

(k)~~(l)~~ Permitting, aiding, assisting, procuring, or advising any person who is not licensed pursuant to this part, contrary to this part or to any rule of the department or the board.

(l)~~(m)~~ Failing to perform any statutory or legal obligation placed upon a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

(m)~~(n)~~ Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n)~~(o)~~ Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

(o)~~(p)~~ Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(p)~~(q)~~ Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the licensee from receiving a fee for professional consultation services.

(q)~~(r)~~ Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(r)~~(s)~~ Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other licensees within the community.

(s)~~(t)~~ Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(t)~~(u)~~ Failing to keep written respiratory care records justifying the reason for the action taken by the licensee.

(u)~~(v)~~ Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(v)~~(w)~~ Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(w)~~(x)~~ Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the licensee being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against her or him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent delivery of respiratory care services with reasonable skill and safety to her or his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of licensure.~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.~~

~~(e) Issuance of a reprimand.~~

Section 40. Subsections (1) and (2) of section 468.518, Florida Statutes, are amended to read:

468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions in subsection (2) may be taken~~:

(a) Violating any provision of this part, any board or agency rule adopted pursuant thereto, or any lawful order of the board or agency previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the agency. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(b) Being unable to engage in dietetics and nutrition practice or nutrition counseling with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he or she can resume the competent practice of dietetics and nutrition or nutrition counseling with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding.

(c) Attempting to procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud or material misrepresentation of material fact.

(d) Having a license to practice dietetics and nutrition or nutrition counseling revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dietetics and nutrition or nutrition counseling or the ability to practice dietetics and nutrition or nutrition counseling.

(f) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor.

(g) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(h) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of dietetics and nutrition or nutrition counseling.

(i) Practicing with a revoked, suspended, inactive, or delinquent license.

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice or nutrition counseling.

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to this part.

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this part prohibits the members of any regularly and properly organized business entity that is composed of licensees under this part and recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(m) Advertising, by or on behalf of a licensee under this part, any method of assessment or treatment which is experimental or without generally accepted scientific validation.

(n) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure;~~

~~(b) Revocation or suspension of a license;~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each violation;~~

~~(d) Issuance of a reprimand or letter of guidance;~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of a licensed dietitian/nutritionist or licensed nutrition counselor; or~~

~~(f) Restriction of the authorized scope of practice of the licensee.~~

Section 41. Section 468.719, Florida Statutes, is amended to read:

468.719 Disciplinary actions.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary actions provided for in subsection (2)~~:

~~(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 456.072, or any rule adopted pursuant thereto.~~

(a)~~(b)~~ Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.

(b)~~(c)~~ Committing incompetency or misconduct in the practice of athletic training.

(c)~~(d)~~ Committing fraud or deceit in the practice of athletic training.

(d)~~(e)~~ Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.

(e)~~(f)~~ While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.

(f) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 456.072.~~

Section 42. Section 468.811, Florida Statutes, is amended to read:

468.811 Disciplinary proceedings.—

(1) The following acts *constitute* ~~are~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2):* ~~disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 456.072, against any person who engages in or aids in a violation.~~

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

~~(f) Violation of this act or chapter 456, or any rules adopted thereunder.~~

(f)~~(g)~~ Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(g)~~(h)~~ Practicing with a revoked, suspended, or inactive license.

(h)~~(i)~~ Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(i)~~(j)~~ Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~The board may enter an order imposing one or more of the penalties in s. 456.072(2) against any person who violates any provision of subsection (1).~~

Section 43. Subsections (1) and (2) of section 478.52, Florida Statutes, are amended to read:

478.52 Disciplinary proceedings.—

(1) The following acts *constitute* ~~are~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions in subsection (2) may be taken~~:

(a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.

(b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.

(g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.

(h) Willfully failing to report any known violation of this chapter.

(i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the board or department previously entered in a disciplinary hearing.

(j) Engaging in the delivery of electrolysis services without an active license.

(k) Employing an unlicensed person to practice electrology.

(l) Failing to perform any statutory or legal obligation placed upon an electrologist.

(m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.

(o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.

(p) Judicially determined mental incompetency.

(q) Practicing or attempting to practice electrology under a name other than her or his own.

(r) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

1. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.

2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.

3. In any proceeding under this paragraph, the record of proceedings or the orders entered by the board may not be used against a licensee in any other proceeding.

(s) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(5).

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~(a) Deny the application for licensure.~~

~~(b) Revoke or suspend the license.~~

~~(c) Impose an administrative fine not to exceed $5,000 for each count or separate offense.~~

~~(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.~~

~~(e) Issue a reprimand to the licensee.~~

~~(f) Restriction of a licensee's practice.~~

Section 44. Subsections (1) and (2) of section 480.046, Florida Statutes, are amended to read:

480.046 Grounds for disciplinary action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which disciplinary actions specified in subsection (2) may be taken against a massage therapist or massage establishment licensed under this act~~:

(a) Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.

(b) Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.

(f) Making deceptive, untrue, or fraudulent representations in the practice of massage.

(g) Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.

(h) Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.

(i) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(j) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.

(k) Violating ~~any provision of this chapter, a rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(l) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

(m) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

(n) Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.

(o) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to license an applicant.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Issuance of a reprimand or censure.~~

~~(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

Section 45. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which disciplinary actions specified in s. 483.827 may be taken against applicants, registrants, and licensees under this part~~:

(a)~~(1)~~ Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b)~~(2)~~ Engaging in or attempting to engage in, or representing herself or himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to her or his license.

(c)~~(3)~~ Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(d)~~(4)~~ Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(e)~~(5)~~ Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of clinical laboratory personnel or involves moral turpitude or fraudulent or dishonest dealing. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(f)~~(6)~~ Having been adjudged mentally or physically incompetent.

(g)~~(7)~~ ~~Violating or~~ Aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.

(h)~~(8)~~ Reporting a test result when no laboratory test was performed on a clinical specimen.

(i)~~(9)~~ Knowingly advertising false services or credentials.

(j)~~(10)~~ Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.

(k)~~(11)~~ Failing to report to the board, in writing, within 30 days that an action under subsection (5), subsection (6), or subsection (10) has been taken against the licensee or one's license to practice as clinical laboratory personnel in another state, territory, country, or other jurisdiction.

(l)~~(12)~~ Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this subsection, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(m)~~(13)~~ Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

(n)~~(14)~~ Violating a previous order of the board entered in a disciplinary proceeding.

(o)~~(15)~~ Failing to report to the department a person or other licensee who the licensee knows is in violation of this chapter or the rules of the department or board adopted hereunder.

(p)~~(16)~~ Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so, including, but not limited to, impeding an agent of the state from obtaining a report or record for investigative purposes. Such reports or records shall include only those generated in the capacity as a licensed clinical laboratory personnel.

(q)~~(17)~~ Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly for patients referred to providers of health care goods and services including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this subsection shall not be construed to prevent a clinical laboratory professional from receiving a fee for professional consultation services.

(r)~~(18)~~ Exercising influence on a patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or other third party, which shall include, but not be limited to, the promoting, selling, or withholding of services, goods, appliances, referrals, or drugs.

(s)~~(19)~~ Practicing or offering to practice beyond the scope permitted by law or rule, or accepting or performing professional services or re-

sponsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t)~~(20)~~ Misrepresenting or concealing a material fact at any time during any phase of the licensing, investigative, or disciplinary process, procedure, or proceeding.

(u)~~(21)~~ Improperly interfering with an investigation or any disciplinary proceeding.

(v)~~(22)~~ Engaging in or attempting to engage in sexual misconduct, causing undue embarrassment or using disparaging language or language of a sexual nature towards a patient, exploiting superior/subordinate, professional/patient, instructor/student relationships for personal gain, sexual gratification, or advantage.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3) In determining the amount of the fine to be levied for a violation, as provided in subsection (1), the following factors shall be considered:

(a) The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this part were violated.

(b) Actions taken by the licensee to correct the violation or to remedy complaints.

(c) Any previous violation by the licensee.

(d) The financial benefit to the licensee of committing or continuing the violation.

Section 46. *Section 483.827, Florida Statutes, is repealed.*

Section 47. Subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the department continuing education requirements that shall be a condition of license renewal. The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization recommended by the council and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the department. The application must be on a form prescribed by the department and must be accompanied by a nonrefundable application fee for each specialty.

(c) The department may issue a license to an eligible applicant if the applicant meets all license requirements. At any time before the department issues a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The department shall review each completed application for a license which the department receives.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state on or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(f) A licensee shall:

1. Display the license in a place accessible to the public; and

2. Report immediately any change in the licensee's address or name to the department.

(g) The following acts *constitute* ~~are~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions in paragraph (h) may be taken~~:

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

~~7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.~~

7.~~8.~~ Failing to perform any statutory or legal obligation placed upon a licensee.

8.~~9.~~ Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

9.~~10.~~ Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

10.~~11.~~ Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

11.~~12.~~ Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.

12.~~13.~~ Judicially determined mental incompetency.

13.~~14.~~ Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the

taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

14. Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(h) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~1. Deny the application for licensure.~~

~~2. Revoke or suspend the license.~~

~~3. Impose an administrative fine for each count or separate offense.~~

~~4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.~~

~~5. Restrict a licensee's practice.~~

~~6. Issue a reprimand to the licensee.~~

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

(j) Upon receipt of a complete application and the fee set forth by rule, the department may issue a physicist-in-training certificate to a person qualified to practice medical physics under direct supervision. The department may establish by rule requirements for initial certification and renewal of a physicist-in-training certificate.

Section 48. Subsections (1) and (2) of section 484.014, Florida Statutes, are amended to read:

484.014 Disciplinary actions.—

(1) The following acts *constitute* ~~relating to the practice of opticianry shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person operating an optical establishment who engages in, aids, or abets any such violation~~:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

~~(g) Violation or repeated violation of this part or of chapter 456 or any rules promulgated pursuant thereto.~~

(g)~~(h)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

(h)~~(i)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(i)~~(j)~~ Violation of any provision of s. 484.012.

(j)~~(k)~~ Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(k)~~(l)~~ Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(l)~~(m)~~ Failing to keep written prescription files.

(m)~~(n)~~ Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(n)~~(o)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(o)~~(p)~~ Gross or repeated malpractice.

(p)~~(q)~~ Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(q)~~(r)~~ Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(r)~~(s)~~ Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(s)~~(t)~~ Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

(t) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.~~

Section 49. Subsections (1) and (2) of section 484.056, Florida Statutes, are amended to read:

484.056 Disciplinary proceedings.—

(1) The following acts *constitute* ~~relating to the practice of dispensing hearing aids shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation~~:

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

~~(h) Violation or repeated violation of this part or of chapter 456, or any rules promulgated pursuant thereto.~~

(h)~~(i)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(i)~~(j)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

(j)~~(k)~~ Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(k)~~(l)~~ Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(l)~~(m)~~ Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(m)~~(n)~~ Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(n)~~(o)~~ Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(o)~~(p)~~ Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(p)~~(q)~~ Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(q)~~(r)~~ Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(r)~~(s)~~ Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.

(s)~~(t)~~ Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(t)~~(u)~~ Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(u)~~(v)~~ Failing to provide all information as described in s. 484.051(1).

(v)~~(w)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2)(a) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~Except as provided in paragraph (b), when the board finds any hearing aid specialist to be guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~1. Denial of an application for licensure.~~

~~2. Revocation or suspension of a license.~~

~~3. Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~4. Issuance of a reprimand.~~

~~5. Placing the hearing aid specialist on probation for a period of time and subject to such conditions as the board may specify, including requiring the hearing aid specialist to attend continuing education courses or to work under the supervision of another hearing aid specialist.~~

~~6. Restricting the authorized scope of practice.~~

(b) The board shall revoke the license of any hearing aid specialist found guilty of canvassing as described in this section.

Section 50. Subsections (1) and (2) of section 486.125, Florida Statutes, are amended to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken~~:

(a) Being unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the li-

censee is unable to practice physical therapy due to the reasons stated in this paragraph, the department shall have the authority to compel a physical therapist or physical therapist assistant to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a physical therapy practitioner. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011.

2. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall, at reasonable intervals, be given an opportunity to demonstrate that she or he can resume the competent practice of physical therapy with reasonable skill and safety to patients.

3. Neither the record of proceeding nor the orders entered by the board in any proceeding under this subsection may be used against a physical therapist or physical therapist assistant in any other proceeding.

(b) Having committed fraud in the practice of physical therapy or deceit in obtaining a license as a physical therapist or as a physical therapist assistant.

(c) Being convicted or found guilty regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of physical therapy or to the ability to practice physical therapy. The entry of any plea of nolo contendere shall be considered a conviction for purpose of this chapter.

(d) Having treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

(e) Failing to maintain acceptable standards of physical therapy practice as set forth by the board in rules adopted pursuant to this chapter.

(f) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or having been found to profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(g) Having a license revoked or suspended; having had other disciplinary action taken against her or him; or having had her or his application for a license refused, revoked, or suspended by the licensing authority of another state, territory, or country.

(h) Violating ~~any provision of this chapter, a rule of the board or department, or~~ a lawful order of the board or department previously entered in a disciplinary hearing.

(i) Making or filing a report or record which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a physical therapist.

(j) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform, including, but not limited to, specific spinal manipulation.

(k) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).* ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the physical therapist or physical therapist assistant on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physical therapist or physical therapist assistant to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physical therapist.~~

~~(g) Recovery of actual costs of investigation and prosecution.~~

Section 51. Section 490.009, Florida Statutes, is amended to read:

490.009 Discipline.—

~~(1) When the department or, in the case of psychologists, the board finds that an applicant, provisional licensee, or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.~~

~~(d) Immediate suspension of a license pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.~~

~~(h) Restriction of practice.~~

(1)~~(2)~~ The following acts *constitute* ~~of a licensee, provisional licensee, or applicant are~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions listed in subsection (1) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself or herself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he or she can resume the competent practice for which he or she is licensed with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

(q)~~(r)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(r)~~(s)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(s)~~(t)~~ Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(t)~~(u)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(u)~~(v)~~ Failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 490.0147.

(v)~~(w)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 52. Section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

~~(1) When the department or the board finds that an applicant, licensee, provisional licensee, registered intern, or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, registration, or certificate, after hearing.~~

~~(d) Immediate suspension of a license, registration, or certificate pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant, licensee, registered intern, or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, registered intern, or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.~~

~~(h) Restriction of practice.~~

(1)~~(2)~~ The following acts *constitute* ~~of a licensee, provisional licensee, registered intern, certificateholder, or applicant are~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions listed in subsection (1) may be taken~~:

(a) Attempting to obtain, obtaining, or renewing a license, registration, or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.

(b) Having a license, registration, or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant, licensee, registered intern, or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, nonregistered, or noncertified person to hold himself or herself out as licensed, registered, or certified under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, registered, or certified under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, registered, or certified under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, registered intern, or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, registered intern's, or certificateholder's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed, registered, or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee, registered intern, or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee, registered intern, or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, registered intern, or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, registered intern, or certificateholder resides or does business. The licensee, registered intern, or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, registered intern, or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed, registered, or certified with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

(q)~~(r)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(r)~~(s)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

(s)~~(t)~~ Delegating professional responsibilities to a person whom the licensee, registered intern, or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(t)~~(u)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

(u)~~(v)~~ Failure of the licensee, registered intern, or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 491.0147.

(v)~~(w)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 53. Subsection (3) of section 456.065, Florida Statutes, is amended to read:

456.065 Unlicensed practice of a health care profession; intent; cease and desist notice; penalties; enforcement; citations; fees; allocation and disposition of moneys collected.—

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of $5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. ~~The board, with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance.~~ The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 456.025. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred

to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

Section 54. Paragraphs (e) and (f) of subsection (4) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* ~~if~~ such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that he or she has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he or she has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant,* the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. ~~There is created a five-member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s. 459.022, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 459.~~ The *council* ~~committee~~ shall establish a formulary of medicinal drugs *that* ~~for which~~ a fully licensed physician assistant*, licensed under this section or s. 459.022,* may *not* prescribe. The formulary *must* ~~may not~~ include controlled substances as defined in chapter 893, ~~antineoplastics,~~ antipsychotics, ~~radiopharmaceuticals,~~ general anesthetics *and* ~~or~~ radiographic contrast materials, *and all* ~~or any~~ parenteral preparations except insulin and epinephrine.

2. In establishing the formulary, the council shall consult with a pharmacist licensed under chapter 465, but not licensed under this chapter or chapter 459, who shall be selected by the Secretary of Health.

3.~~2.~~ Only the *council* ~~committee~~ shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

4.~~3.~~ The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant*, licensed under this section or s. 459.022,* and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

Section 55. Subsection (4) and paragraph (c) of subsection (9) of section 459.022, Florida Statutes, are amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by licensed physician assistants.

(c) Licensed physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a licensed physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)(c). Such delegated authority is limited to the supervising physician's practice in connection with a county health department as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county health departments.

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* ~~if~~ such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that she or he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that she or he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that she or he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant,* the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

~~(f)1. There is created a five-member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully licensed physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.~~

~~2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.~~

~~3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).~~

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347~~(4)(f)~~. The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

Section 56. Subsections (6) is added to section 456.003, Florida Statutes, to read:

456.003 Legislative intent; requirements.—

(6) Unless expressly and specifically granted in statute, the duties conferred on the boards do not include the enlargement, modification, or contravention of the lawful scope of practice of the profession regulated by the boards. This subsection shall not prohibit the boards, or the department when there is no board, from taking disciplinary action or issuing a declaratory statement.

Section 57. *(1)(a) The Agency for Health Care Administration shall create an Organ Transplant Task Force within the Agency for Health Care Administration, which task force must be funded by existing agency funds.*

(b) Task force participants shall be responsible for only the expenses that they generate individually through participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The task force shall consist of up to 15 members. The task force chairperson shall be selected by majority vote of a quorum present. Eight members shall constitute a quorum. The membership shall include, but not be limited to, a balance of members representing the Agency for Health Care Administration, health care facilities that have existing organ transplantation programs, individual organ transplant health care practitioners, pediatric organ transplantation programs, organ procurement agencies, and organ transplant recipients or family members.

(3) The task force shall meet for the purpose of studying and making recommendations regarding current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need for proposed organ transplantation programs. At a minimum, the task force shall submit a report to the Legislature which includes a summary of the method of allocation and distribution of organs; a list of facilities performing multiple organ transplants and the number being performed; the number of Medicaid and charity care patients who have received organ transplants by existing organ transplant programs; suggested mechanisms for funding organ transplants, which shall include, but need not limited to, an organ transplant trust fund for the treatment of Medicaid and charity patients; the impact of trends in health care delivery and financing on organ transplantation; and the number of certificates of need applications reviewed by the Agency for Health Care Administration in the last 5 years, including the number approved or denied and the number litigated.

(4) The task force shall meet at the call of the chairperson. The task force shall submit a report to the Governor, the President of the Senate,

and the Speaker of the House of Representatives by January 15, 2002. The task force is abolished effective December 31, 2002.

Section 58. Section 409.9205, Florida Statutes, is amended to read:

409.9205 Medicaid Fraud Control Unit~~; law enforcement officers~~.—

(1) Except as provided in s. 110.205, all positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs are hereby transferred to the Career Service System.

(2) All investigators employed by the Medicaid Fraud Control Unit who have been certified under s. 943.1395 are law enforcement officers of the state. Such investigators have the authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and other process throughout the state pertaining to Medicaid fraud as described in this chapter. The Attorney General shall provide reasonable notice of criminal investigations conducted by the Medicaid Fraud Control Unit to, and coordinate those investigations with, the sheriffs of the respective counties. ~~Investigators employed by the Medicaid Fraud Control Unit are not eligible for membership in the Special Risk Class of the Florida Retirement System under s. 121.0515.~~

Section 59. Subsection (1) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any *dialysis facility,* physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to a clinical laboratory licensed under this part.

Section 60. Subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)~~(a)~~ To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. *First responder.—To qualify as a first responder, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in cardiopulmonary resuscitation, first aid, and have 15 semester hours in courses such as care and prevention of athletic injuries, anatomy, physiology, nutrition, counseling, and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care.* ~~Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.~~

~~2. Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the Commissioner of Education.~~

2.~~3.~~ Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must *possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 232.17, and be licensed as required by part XIII of chapter 468* ~~meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes~~.

~~(b) If a school district uses the services of an athletic trainer who is not a teacher athletic trainer or a teacher apprentice trainer within the requirements of this section, such athletic trainer must be licensed as required by part XIII of chapter 468.~~

Section 61. Paragraph (b) of subsection (1) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all infants born in Florida for phenylketonuria and other metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all infants born in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) Postnatal screening.—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed *by the State Public Health Laboratory, in coordination with Children's Medical Services,* at such times and in such manner as is prescribed by the department after consultation with the Genetics and Infant Screening Advisory Council and the State Coordinating Council for School Readiness Programs.

Section 62. Section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to patients.

(b) The development of appropriate measures to minimize the risk of adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all ~~nonphysician~~ personnel of the licensed facility working in clinical areas and providing patient care*, except those persons licensed as health care*

practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a licensed facility is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

3. A prohibition against an unlicensed person from assisting or participating in any surgical procedure unless the facility has authorized the person to do so following a competency assessment, and such assistance or participation is done under the direct and immediate supervision of a licensed physician and is not otherwise an activity that may only be performed by a licensed health care practitioner.

4. Development, implementation, and ongoing evaluation of procedures, protocols, and systems to accurately identify patients, planned procedures, and the correct site of the planned procedure so as to minimize the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition.

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall hire a risk manager, licensed under *s. 395.10974* ~~part IX of chapter 626~~, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers' offices and the assuming of provider liability by a licensed health care facility for acts or omissions occurring within the licensed facility.

(4) The agency shall~~, after consulting with the Department of Insurance,~~ adopt rules governing the establishment of internal risk management programs to meet the needs of individual licensed facilities. Each internal risk management program shall include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each licensed facility, such as an insurance coordinator, or who is retained by the licensed facility as a consultant. The individual responsible for the risk management program shall have free access to all medical records of the licensed facility. The incident reports are part of the workpapers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to this section, the term "adverse incident" means an event over which health care personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

(a) Results in one of the following injuries:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A resulting limitation of neurological, physical, or sensory function which continues after discharge from the facility;

6. Any condition that required specialized medical attention or surgical intervention resulting from nonemergency medical intervention, other than an emergency medical condition, to which the patient has not given his or her informed consent; or

7. Any condition that required the transfer of the patient, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the patient's condition prior to the adverse incident;

(b) Was the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the incident reports that have been filed in the facility for that year. The report shall include:

1. The total number of adverse incidents.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals directly involved in adverse incidents to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency shall also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any

other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) The licensed facility shall notify the agency no later than 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d) and can determine within 1 business day that any of the following adverse incidents has occurred, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure; or

(e) The performance of a wrong surgical procedure.

The notification must be made in writing and be provided by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected patient, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to other patients.

(8) Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure;

(e) The performance of a wrong surgical procedure;

(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(9) The agency shall publish on the agency's website, no less than quarterly, a summary and trend analysis of adverse incident reports received pursuant to this section, which shall not include information that would identify the patient, the reporting facility, or the health care practitioners involved. The agency shall publish on the agency's website an annual summary and trend analysis of all adverse incident reports and malpractice claims information provided by facilities in their annual reports, which shall not include information that would identify the patient, the reporting facility, or the practitioners involved. The purpose of the publication of the summary and trend analysis is to promote the rapid dissemination of information relating to adverse incidents and malpractice claims to assist in avoidance of similar incidents and reduce morbidity and mortality.

(10)~~(9)~~ The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact, when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility.~~; and~~

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility.

(c) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted.~~;~~

(d) Report to the Department of Health every allegation of sexual misconduct, as defined in chapter 456 and the respective practice act, by a licensed health care practitioner that involves a patient.

(11)~~(10)~~ Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

(a) Notify the local police; and

(b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, or a minor. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's or minor's sexual organs, or the use of the vulnerable adult or minor to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

(12)~~(11)~~ A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's personnel is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13)~~(12)~~ In addition to any penalty imposed pursuant to this section, the agency shall require a written plan of correction from the facility. For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed $5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed $10,000 for any violation. The administrative fine for each intentional and willful violation may not exceed $25,000 per violation, per day. The fine for an intentional and willful violation of this section may not exceed $250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b). This subsection does not apply to the notice requirements under subsection (7).

(14)~~(13)~~ The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained by the agency under subsection (6), subsection (8), or subsection *(10)* ~~(9)~~ are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 456.071 be available

to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(15)~~(14)~~ The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section shall not be open to the public under the provisions of chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection *(14)* ~~(13)~~.

(16)~~(15)~~ The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under *this section* ~~subsections (5), (6), (7), and (8)~~.

(17)~~(16)~~ There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager, licensed under *s. 395.10974* ~~part IX of chapter 626~~, for the implementation and oversight of the internal risk management program in a facility licensed under this chapter or chapter 390 as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program if the risk manager acts without intentional fraud.

(18) A privilege against civil liability is hereby granted to any licensed risk manager or licensed facility with regard to information furnished pursuant to this chapter, unless the licensed risk manager or facility acted in bad faith or with malice in providing such information.

(19)~~(17)~~ If the agency, through its receipt of *any reports required under this section* ~~the annual reports prescribed in subsection (6)~~ or through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

~~(18) The agency shall annually publish a report summarizing the information contained in the annual incident reports submitted by licensed facilities pursuant to subsection (6) and disciplinary actions reported to the agency pursuant to s. 395.0193. The report must, at a minimum, summarize:~~

~~(a) Adverse incidents, by category of reported incident, and by type of professional involved.~~

~~(b) Types of malpractice claims filed, by type of professional involved.~~

~~(c) Disciplinary actions taken against professionals, by type of professional involved.~~

(20) It shall be unlawful for any person to coerce, intimidate, or preclude a risk manager from lawfully executing his or her reporting obligations pursuant to this chapter. Such unlawful action shall be subject to civil monetary penalties not to exceed $10,000 per violation.

Section 63. Section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a *seven-member* ~~five-member~~ advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, *including one risk manager who is recommended by and a member of the Florida Society of Healthcare Risk Management*.

(2) One shall be an active hospital administrator.

(3) One shall be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One shall be a representative of the health-care-consuming public.

(5) Two shall be licensed health care practitioners, one of whom shall be licensed as a physician under chapter 458 or chapter 459.

Section 64. Paragraph (b) of subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient *and outpatient* services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)

(b) There is imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. *While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the assessment imposed pursuant to this section other than those in effect on July 1, 2000.* Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 65. Section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. *Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) FAMILY PLANNING SERVICES.—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of

pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) HOME HEALTH CARE SERVICES.—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. In providing home health care services, the agency may require prior authorization of care based on diagnosis.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental disease" or "IMD's." The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) Agency for Health Care Administration shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

(6) HOSPITAL OUTPATIENT SERVICES.—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to $1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) INDEPENDENT LABORATORY SERVICES.—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(8) NURSING FACILITY SERVICES.—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by s. 395.002(11), that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

(9) PHYSICIAN SERVICES.—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or osteopathic medicine. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or osteopathic medicine as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) PORTABLE X-RAY SERVICES.—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) TRANSPORTATION SERVICES.—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a client's ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

Section 66. Section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. *Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any

other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTURE SERVICES.—The agency may pay for dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is age 21 or older. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.

(b) Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.

(c) Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.

(d) Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

(2) ADULT HEALTH SCREENING SERVICES.—The agency may pay for an annual routine physical examination, conducted by or under the direction of a licensed physician, for a recipient age 21 or older, without regard to medical necessity, in order to detect and prevent disease, disability, or other health condition or its progression.

(3) AMBULATORY SURGICAL CENTER SERVICES.—The agency may pay for services provided to a recipient in an ambulatory surgical center licensed under part I of chapter 395, by or under the direction of a licensed physician or dentist.

(4) BIRTH CENTER SERVICES.—The agency may pay for examinations and delivery, recovery, and newborn assessment, and related services, provided in a licensed birth center staffed with licensed physicians, certified nurse midwives, and midwives licensed in accordance with chapter 467, to a recipient expected to experience a low-risk pregnancy and delivery.

(5) CASE MANAGEMENT SERVICES.—The agency may pay for primary care case management services rendered to a recipient pursuant to a federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act. Notwithstanding s. 216.292, the Department of Children and Family Services may transfer general funds to the Agency for Health Care Administration to fund state match requirements exceeding the amount specified in the General Appropriations Act for targeted case management services.

(6) CHILDREN'S DENTAL SERVICES.—The agency may pay for diagnostic, preventive, or corrective procedures, including orthodontia in severe cases, provided to a recipient under age 21, by or under the supervision of a licensed dentist. Services provided under this program include treatment of the teeth and associated structures of the oral cavity, as well as treatment of disease, injury, or impairment that may affect the oral or general health of the individual. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.

(b) Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.

(c) Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.

(d) Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

(7) CHIROPRACTIC SERVICES.—The agency may pay for manual manipulation of the spine and initial services, screening, and X rays provided to a recipient by a licensed chiropractic physician.

(8) COMMUNITY MENTAL HEALTH SERVICES.—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of Children and Family Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. The agency must develop a provider enrollment process for community mental health providers which bases provider enrollment on an assessment of service need. The provider enrollment process shall be designed to control costs, prevent fraud and abuse, consider provider expertise and capacity, and assess provider success in managing utilization of care and measuring treatment outcomes. Providers will be selected through a competitive procurement or selective contracting process. In addition to other community mental health providers, the agency shall consider for enrollment mental health programs licensed under chapter 395 and group practices licensed under chapter 458, chapter 459, chapter 490, or chapter 491. The agency is also authorized to continue operation of its behavioral health utilization management program and may develop new services if these actions are necessary to ensure savings from the implementation of the utilization management system. The agency shall coordinate the implementation of this enrollment process with the Department of Children and Family Services and the Department of Juvenile Justice. The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(9) DIALYSIS FACILITY SERVICES.—Subject to specific appropriations being provided for this purpose, the agency may pay a dialysis facility that is approved as a dialysis facility in accordance with Title XVIII of the Social Security Act, for dialysis services that are provided to a Medicaid recipient under the direction of a physician licensed to practice medicine or osteopathic medicine in this state, including dialysis services provided in the recipient's home by a hospital-based or free-standing dialysis facility.

(10) DURABLE MEDICAL EQUIPMENT.—The agency may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary.

(11) HEALTHY START SERVICES.—The agency may pay for a continuum of risk-appropriate medical and psychosocial services for the Healthy Start program in accordance with a federal waiver. The agency may not implement the federal waiver unless the waiver permits the state to limit enrollment or the amount, duration, and scope of services to ensure that expenditures will not exceed funds appropriated by the Legislature or available from local sources. If the Health Care Financing Administration does not approve a federal waiver for Healthy Start services, the agency, in consultation with the Department of Health and the Florida Association of Healthy Start Coalitions, is authorized to establish a Medicaid certified-match program for Healthy Start services. Participation in the Healthy Start certified-match program shall be voluntary, and reimbursement shall be limited to the federal Medicaid share to Medicaid-enrolled Healthy Start coalitions for services provided to Medicaid recipients. The agency shall take no action to implement a certified-match program without ensuring that the amendment and review requirements of ss. 216.177 and 216.181 have been met.

(12) HEARING SERVICES.—The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient

by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist, or physician.

(13) HOME AND COMMUNITY-BASED SERVICES.—The agency may pay for home-based or community-based services that are rendered to a recipient in accordance with a federally approved waiver program.

(14) HOSPICE CARE SERVICES.—The agency may pay for all reasonable and necessary services for the palliation or management of a recipient's terminal illness, if the services are provided by a hospice that is licensed under part VI of chapter 400 and meets Medicare certification requirements.

(15) INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED SERVICES.—The agency may pay for health-related care and services provided on a 24-hour-a-day basis by a facility licensed and certified as a Medicaid Intermediate Care Facility for the Developmentally Disabled, for a recipient who needs such care because of a developmental disability.

(16) INTERMEDIATE CARE SERVICES.—The agency may pay for 24-hour-a-day intermediate care nursing and rehabilitation services rendered to a recipient in a nursing facility licensed under part II of chapter 400, if the services are ordered by and provided under the direction of a physician.

(17) OPTOMETRIC SERVICES.—The agency may pay for services provided to a recipient, including examination, diagnosis, treatment, and management, related to ocular pathology, if the services are provided by a licensed optometrist or physician.

(18) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a physician assistant licensed under s. 458.347 or s. 459.022. Reimbursement for such services must be not less than 80 percent of the reimbursement that would be paid to a physician who provided the same services.

(19) PODIATRIC SERVICES.—The agency may pay for services, including diagnosis and medical, surgical, palliative, and mechanical treatment, related to ailments of the human foot and lower leg, if provided to a recipient by a podiatric physician licensed under state law.

(20) PRESCRIBED DRUG SERVICES.—The agency may pay for medications that are prescribed for a recipient by a physician or other licensed practitioner of the healing arts authorized to prescribe medications and that are dispensed to the recipient by a licensed pharmacist or physician in accordance with applicable state and federal law.

(21) REGISTERED NURSE FIRST ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a registered nurse first assistant as described in s. 464.027. Reimbursement for such services may not be less than 80 percent of the reimbursement that would be paid to a physician providing the same services.

(22) STATE HOSPITAL SERVICES.—The agency may pay for all-inclusive psychiatric inpatient hospital care provided to a recipient age 65 or older in a state mental hospital.

(23) VISUAL SERVICES.—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist.

(24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for Health Care Administration, in consultation with the Department of Children and Family Services, may establish a targeted case-management pilot project in those counties identified by the Department of Children and Family Services and for the community-based child welfare project in Sarasota and Manatee counties, as authorized under s. 409.1671. These projects shall be established for the purpose of determining the impact of targeted case management on the child welfare program and the earnings from the child welfare program. Results of the pilot projects shall be reported to the Child Welfare Estimating Conference and the Social Services Estimating Conference established under s. 216.136. The number of projects may not be increased until requested by the Department of Children and Family Services, recommended by the Child Welfare Estimating Conference and the Social Services Estimating Conference, and approved by the Legislature. The covered group of individuals who are eligible to receive targeted case management include children who are eligible for Medicaid; who are between the ages of birth through 21; and who are under protective supervision or postplacement supervision, under foster-care supervision, or in shelter care or foster care. The number of individuals who are eligible to receive targeted case management shall be limited to the number for whom the Department of Children and Family Services has available matching funds to cover the costs. The general revenue funds required to match the funds for services provided by the community-based child welfare projects are limited to funds available for services described under s. 409.1671. The Department of Children and Family Services may transfer the general revenue matching funds as billed by the Agency for Health Care Administration.

Section 67. Present subsections (7) through (11) of section 456.013, Florida Statutes, are renumbered as subsections (8) through (12), respectively, and a new subsection (7) is added to that section to read:

456.013 Department; general licensing provisions.—

(7) The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The 2-hour course shall count towards the total number of continuing education hours required for the profession. The course shall be approved by the board or department, as appropriate, and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.

Section 68. Subsection (19) is added to section 456.057, Florida Statutes, to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(19) The board, or department when there is no board, may temporarily or permanently appoint a person or entity as a custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of the practitioner, or the abandonment of medical records by a practitioner. The custodian appointed shall comply with all provisions of this section, including the release of patient records.

Section 69. Subsection (3) is added to section 456.063, Florida Statutes, to read:

456.063 Sexual misconduct; disqualification for license, certificate, or registration.—

(3) Licensed health care practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred.

Section 70. Paragraphs (c) and (q) of subsection (1) of section 456.072, Florida Statutes, are amended, paragraphs (aa), (bb), and (cc) are added to that subsection, paragraphs (c), (d), and (e) of subsection (2) and subsection (4) are amended, and paragraphs (i) and (j) are added to subsection (2) of that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(c) Being convicted or found guilty of, or entering a plea of *guilty or* nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(q) Violating ~~any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or~~ a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the

purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, regardless of the intent of the professional.

(cc) Violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice or license*, including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare*.

(d) Imposition of an administrative fine not to exceed $10,000 for each count or separate offense. *If the violation is for fraud or making a false or fraudulent representation, the board, or the department if there is no board, must impose a fine of $10,000 per count or offense.*

(e) Issuance of a reprimand *or letter of concern*.

(i) Refund of fees billed and collected from the patient or a third party on behalf of the patient.

(j) Requirement that the practitioner undergo remedial education.

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(4) In addition to any other discipline imposed *through final order, or citation, entered on or after July 1, 2001,* pursuant to this section or discipline imposed *through final order, or citation, entered on or after July 1, 2001,* for a violation of any practice act, the board, or the department when there is no board, *shall* ~~may~~ assess costs related to the investigation and prosecution of the case. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

Section 71. Paragraphs (a) and (c) of subsection (9) of section 456.073, Florida Statutes, are amended, and, effective upon this act becoming a law, subsection (13) is added to that section, to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(9)(a) The department shall periodically notify the person who filed the complaint*, as well as the patient or the patient's legal representative,* of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the *department* ~~probable cause panel~~ which may be relevant to the decision. *To facilitate the provision of additional information, the person who filed the complaint may receive, upon request, a copy of the department's expert report that supported the recommendation for closure, if such a report was relied upon by the department. In no way does this require the department to procure an expert opinion or report if none was used. Additionally, the identity of the expert shall remain confidential.* In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(13) Notwithstanding any provision of law to the contrary, an administrative complaint against a licensee shall be filed within 6 years after the time of the incident or occurrence giving rise to the complaint against the licensee. If such incident or occurrence involved criminal actions, diversion of controlled substances, sexual misconduct, or impairment by the licensee, this subsection does not apply to bar initiation of an investigation or filing of an administrative complaint beyond the 6-year timeframe. In those cases covered by this subsection in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the violation of law, the period of limitations is extended forward, but in no event to exceed 12 years after the time of the incident or occurrence.

Section 72. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409*, chapter 817,* or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

Section 73. Subsections (2) and (6) of section 456.077, Florida Statutes, are amended to read:

456.077 Authority to issue citations.—

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. *Violations for which a citation may be issued shall include violations of continuing education requirements, failure to timely pay required fees and fines, failure to comply with the requirements of ss. 381.026 and 381.0261 regarding the dissemination of information regarding patient rights, failure to comply with advertising requirements, failure to timely update practitioner profile and credentialing files, failure to display signs, licenses, and permits, failure to have required reference books available, and all other violations that do not pose a direct and serious threat to the health and safety of the patient.*

(6) A board ~~created on or after January 1, 1992,~~ has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 74. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. *The department and the boards shall maintain a website which contains copies of the newsletter; information relating to adverse incident reports without identifying the patient, practitioner, or facility in which the adverse incident occurred until 10 days after probable cause is found, at which time the name of the practitioner and facility shall become public as part of the investigative file; information about error prevention and safety strategies; and information concerning best practices.* Unless otherwise prohibited by law, the department and the boards shall publish *on the website* a summary of final orders *entered after July 1, 2001,* resulting in *disciplinary action* ~~fines, suspensions, or revocations~~, and any other

information the department or the board determines is of interest to the public. *In order to provide useful and timely information at minimal cost, the department and boards may consult with, and include information provided by, professional associations and national organizations.*

Section 75. Section 458.3147, Florida Statutes, is created to read:

458.3147 Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who qualifies for assignment to the Medical Corps of the United States military shall be admitted to any medical school in the State University System.

Section 76. Subsection (9) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197~~(8)~~; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 77. Subsection (9) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his or her attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197~~(8)~~; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 78. Effective January 1, 2002, subsection (4) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

(4) The organization shall ensure that only a physician *with an active, unencumbered license* ~~licensed~~ under chapter 458 or chapter 459~~, or an allopathic or osteopathic physician with an active, unencumbered license in another state with similar licensing requirements~~ may render an adverse determination regarding a service provided by a physician licensed in this state. The organization shall submit to the treating provider and the subscriber written notification regarding the organization's adverse determination within 2 working days after the subscriber or provider is notified of the adverse determination. The written notification must include the utilization review criteria or benefits provisions used in the adverse determination, identify the physician who rendered the adverse determination, and be signed by an authorized representative of the organization or the physician who rendered the adverse determination. The organization must include with the notification of an adverse determination information concerning the appeal process for adverse determinations. *This provision does not create authority for the Board of Medicine or Board of Osteopathic Medicine to regulate the organization; however, the Board of Medicine and the Board of Osteopathic Medicine continue to have jurisdiction over licensees of their respective boards.*

Section 79. Subsection (5) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(5) All institutional pharmacies shall be under the professional supervision of a consultant pharmacist, and the compounding and dispensing of medicinal drugs shall be done only by a licensed pharmacist. *Every institutional pharmacy that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 80. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(11)(a)1., 2., and 3. shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties. *Every permittee that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 81. Effective upon this act becoming a law and operating retroactively to July 1, 2000, section 22 of Chapter 2000-256, Laws of Florida, is amended to read:

Section 22. The amendments to ss. 395.701 and 395.7015, Florida Statutes, by this act shall take effect *July 1, 2000* ~~only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in such amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.~~

Section 82. *The Department of Health and the Agency for Health Care Administration shall conduct a review of all statutorily imposed reporting requirements for health care practitioners and health facilities. The department and the agency shall report back to the Legislature on or before November 1, 2001, with recommendations and suggested statutory changes to streamline reporting requirements to avoid duplicative, overlapping, and unnecessary reports or data elements.*

Section 83. Paragraph (r) is added to subsection (1) of section 468.1755, Florida Statutes, and, for the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of that section is reenacted, to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(r) Failing to implement an ongoing quality assurance program directed by an interdisciplinary team that meets at least every other month.

(2) When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.

(f) Restriction of the authorized scope of practice.

Section 84. For the purpose of incorporating the amendment to section 468.1755(1), Florida Statutes, in reference thereto, subsection (3) of section 468.1695, Florida Statutes, and section 468.1735, Florida Statutes, are reenacted to read:

468.1695 Licensure by examination.—

(3) The department shall issue a license to practice nursing home administration to any applicant who successfully completes the examination in accordance with this section and otherwise meets the requirements of this part. The department shall not issue a license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply.

468.1735 Provisional license.—The board may establish by rule requirements for issuance of a provisional license. A provisional license shall be issued only to fill a position of nursing home administrator that unexpectedly becomes vacant due to illness, sudden death of the administrator, or abandonment of position and shall be issued for one single period as provided by rule not to exceed 6 months. The department shall not issue a provisional license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply. The provisional license may be issued to a person who does not meet all of the licensing requirements established by this part, but the board shall by rule establish minimal requirements to ensure protection of the public health, safety, and welfare. The provisional license shall be issued to the person who is designated as the responsible person next in command in the event of the administrator's departure. The board may set an application fee not to exceed $500 for a provisional license.

Section 85. For the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 484.056, Florida Statutes, is reenacted to read:

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

Section 86. Paragraph (a) of subsection (1), paragraph (a) of subsection (7), and subsection (8) of section 766.101, Florida Statutes, are amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system,

c. A committee of a state or local professional society of health care providers,

d. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

e. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

g. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

h. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

i. A peer review or utilization review committee organized under chapter 440, ~~or~~

j. A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records, *or*

k. A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

(7)(a) It is the intent of the Legislature to encourage medical review committees to contribute further to the quality of health care in this state by reviewing complaints against physicians in the manner described in this paragraph. Accordingly, the Department of *Health* ~~Business and Professional Regulation~~ may enter into a letter of agreement with a professional society of physicians licensed under chapter 458 or chapter 459, under which agreement the medical or peer review committees of the professional society will conduct a review of any complaint or case referred to the society by the department which involves a question as to whether a physician's actions represented a breach of the prevailing professional standard of care. The prevailing professional standard of care is that level of care, skill, and treatment which, in light of all

relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. The letter of agreement must specify that the professional society will submit an advisory report to the department within a reasonable time following the department's written and appropriately supported request to the professional society. The advisory report, which is not binding upon the department, constitutes the professional opinion of the medical review committee and must include:

1. A statement of relevant factual findings.

2. The judgment of the committee as to whether the physician's actions represented a breach of the prevailing professional standard of care.

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.0197, to the Department of *Health or the Agency for Health Care Administration* ~~Business and Professional Regulation~~, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 87. For the purpose of incorporating the amendment to section 766.101(1)(a), Florida Statutes, in references thereto, paragraph (a) of subsection (1) of section 440.105, Florida Statutes, and subsection (6) of section 626.989, Florida Statutes, are reenacted to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(1)(a) Any insurance carrier, any individual self-insured, any commercial or group self-insurance fund, any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the insurance code, or any employee thereof, having knowledge or who believes that a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or misdemeanor under this chapter is being or has been committed shall send to the Division of Insurance Fraud, Bureau of Workers' Compensation Fraud, a report or information pertinent to such knowledge or belief and such additional information relative thereto as the bureau may require. The bureau shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under this chapter is being committed. The bureau shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violations of this chapter. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the bureau's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the bureau of the reasons for the lack of prosecution.

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(6) Any person, other than an insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed may send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may request. Any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed shall send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may require. The Division of Insurance Fraud shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being committed. The Division of Insurance Fraud shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violation, as provided in s. 624.310. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the division's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the division of the reasons for the lack of prosecution.

Section 88. Paragraph (c) of subsection (4) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties pursuant to the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider under contract with the state may not be named as a defendant in any action arising out of the medical care or treatment provided on or after April 17, 1992, pursuant to contracts entered into under this section. The contract must provide that:

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if such incidents and information pertain to a patient treated pursuant to the contract. The health care provider shall *submit the reports required by s. 395.0197* ~~annually submit an adverse incident report that includes all information required by s. 395.0197(6)(a), unless the adverse incident involves a result described by s. 395.0197(8), in which case it shall be reported within 15 days after the occurrence of such incident~~. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities pursuant to this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 89. Section 456.047, Florida Statutes, is amended to read:

456.047 Standardized credentialing for health care practitioners.—

(1) INTENT.—The Legislature recognizes that an efficient and effective health care practitioner credentialing program helps to ensure access to quality health care and also recognizes that health care practitioner credentialing activities have increased significantly as a result of health care reform and recent changes in health care delivery and reimbursement systems. Moreover, the resulting duplication of health care practitioner credentialing activities is unnecessarily costly and cumbersome for both the practitioner and the entity granting practice privileges. Therefore, it is the intent of this section that a credentials collection program be established which provides that, once a health care

practitioner's core credentials data are collected, they need not be collected again, except for corrections, updates, and modifications thereto. *Furthermore, it is the intent of the Legislature that the department and all entities and practitioners work cooperatively to ensure the integrity and accuracy of the program.* Participation under this section shall include those individuals licensed under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012. However, the department shall, with the approval of the applicable board, include other professions under the jurisdiction of the Division of Medical Quality Assurance in this program, provided they meet the requirements of s. 456.039 or s. 456.0391.

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

(a) "Certified" or "accredited," as applicable, means approved by a quality assessment program, from the National Committee for Quality Assurance, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, or any such other nationally recognized and accepted organization authorized by the department, used to assess and certify any credentials verification program, entity, or organization that verifies the credentials of any health care practitioner.

(b) "Core credentials data" means *data that is primary source verified and includes* ~~the following data: current name, any former name, and any alias, any~~ professional education, professional training, licensure, current Drug Enforcement Administration certification, ~~social security number,~~ specialty board certification, Educational Commission for Foreign Medical Graduates certification, *and* ~~hospital or other institutional affiliations, evidence of professional liability coverage or evidence of financial responsibility as required by s. 458.320, s. 459.0085, or s. 456.048, history of claims, suits, judgments, or settlements,~~ final disciplinary action reported pursuant to s. 456.039(1)(a)8. or s. 456.0391(1)(a)8. *The department may by rule designate additional core credentials data elements*~~, and Medicare or Medicaid sanctions~~.

(c) "Credential" or "credentialing" means the process of assessing and verifying the qualifications of a licensed health care practitioner or applicant for licensure as a health care practitioner.

(d) "Credentials verification organization" means any organization certified or accredited as a credentials verification organization.

(e) "Department" means the Department of Health, Division of Medical Quality Assurance.

(f) "Designated credentials verification organization" means the credentials verification organization which is selected by the health care practitioner, if the health care practitioner chooses to make such a designation.

(g) "Drug Enforcement Administration certification" means certification issued by the Drug Enforcement Administration for purposes of administration or prescription of controlled substances. Submission of such certification under this section must include evidence that the certification is current and must also include all current addresses to which the certificate is issued.

(h) "Health care entity" means:

1. Any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state;

2. Any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers *or similar organization licensed under chapter 627, chapter 636, chapter 641, or chapter 651*; or

3. Any accredited medical school in this state.

(i) "Health care practitioner" means any person licensed, or, for credentialing purposes only, any person applying for licensure, under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012 or any person licensed or applying for licensure under a chapter subsequently made subject to this section by the department with the approval of the applicable board, except a person registered or applying for registration pursuant to s. 458.345 or s. 459.021.

~~(j) "Hospital or other institutional affiliations" means each hospital or other institution for which the health care practitioner or applicant has provided medical services. Submission of such information under this section must include, for each hospital or other institution, the name and address of the hospital or institution, the staff status of the health care practitioner or applicant at that hospital or institution, and the dates of affiliation with that hospital or institution.~~

(j)~~(k)~~ "National accrediting organization" means an organization that awards accreditation or certification to hospitals, managed care organizations, credentials verification organizations, or other health care organizations, including, but not limited to, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, and the National Committee for Quality Assurance.

(k) "Primary source verification" means verification of professional qualifications based on evidence obtained directly from the issuing source of the applicable qualification or from any other source deemed as a primary source for such verification by the department or an accrediting body approved by the department.

(l) "Professional training" means any internship, residency, or fellowship relating to the profession for which the health care practitioner is licensed or seeking licensure.

(m) "Specialty board certification" means certification in a specialty issued by a specialty board recognized by the board in this state that regulates the profession for which the health care practitioner is licensed or seeking licensure.

(3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.—

(a) Every health care practitioner shall:

1. Report all core credentials data to the department which is not already on file with the department, either by designating a credentials verification organization to submit the data or by submitting the data directly.

2. Notify the department within 45 days of any corrections, updates, or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections, updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of s. 456.039(3) or s. 456.0391(3) related to profiling.

(b) The department shall:

1. Maintain a complete, current file of *applicable* core credentials data on each health care practitioner, which shall include *data provided in accordance with subparagraph (a)1. and* all updates provided in accordance with subparagraph (a)2.

2. Release the core credentials data that is otherwise confidential or exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution and any corrections, updates, and modifications thereto, if authorized by the health care practitioner.

3. Charge a fee to access the core credentials data, which may not exceed the actual cost, including prorated setup and operating costs, pursuant to the requirements of chapter 119.

4. Develop standardized forms to be used by the health care practitioner or designated credentials verification organization for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

(c) A registered credentials verification organization may be designated by a health care practitioner to assist the health care practitioner to comply with the requirements of subparagraph (a)2. A designated credentials verification organization shall:

1. Timely comply with the requirements of subparagraph (a)2., pursuant to rules adopted by the department.

2. Not provide the health care practitioner's core *credentials* data, including all corrections, updates, and modifications, without the authorization of the practitioner.

(d) This section shall not be construed to restrict in any way the authority of the health care entity to credential and to approve or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(4) DUPLICATION OF DATA PROHIBITED.—

(a) A health care entity or credentials verification organization is prohibited from collecting or attempting to collect duplicate core credentials data from any health care practitioner if the information is available from the department. This section shall not be construed to restrict the right of any health care entity or credentials verification organization to collect additional information from the health care practitioner which is not included in the core credentials data file. This section shall not be construed to prohibit a health care entity or credentials verification organization from obtaining all necessary attestation and release form signatures and dates.

(b) Effective July 1, 2002, a state agency in this state which credentials health care practitioners may not collect or attempt to collect duplicate core credentials data from any individual health care practitioner if the information is already available from the department. This section shall not be construed to restrict the right of any such state agency to request additional information not included in the core *credentials* ~~credential~~ data file, but which is deemed necessary for the agency's specific credentialing purposes.

(5) STANDARDS AND REGISTRATION.—Any credentials verification organization that does business in this state must be fully accredited or certified as a credentials verification organization by a national accrediting organization as specified in paragraph (2)(a) and must register with the department. The department may charge a reasonable registration fee, not to exceed an amount sufficient to cover its actual expenses in providing and enforcing such registration. The department shall establish by rule for biennial renewal of such registration. Failure by a registered credentials verification organization to maintain full accreditation or certification, to provide data as authorized by the health care practitioner, to report to the department changes, updates, and modifications to a health care practitioner's records within the time period specified in subparagraph (3)(a)2., or to comply with the prohibition against collection of duplicate core credentials data from a practitioner may result in denial of an application for renewal of registration or in revocation or suspension of a registration.

(6) PRIMARY SOURCE VERIFIED DATA.—Health care entities and credentials verification organizations may rely upon any data that has been primary source verified by the department or its designee to meet primary source verification requirements of national accrediting organizations.

(7)~~(6)~~ LIABILITY.—No civil, criminal, or administrative action may be instituted, and there shall be no liability, against any registered credentials verification organization or health care entity on account of its reliance on any data obtained directly from the department.

(8)~~(7)~~ LIABILITY INSURANCE REQUIREMENTS.—Each credentials verification organization doing business in this state shall maintain liability insurance appropriate to meet the certification or accreditation requirements established in this section.

(9)~~(8)~~ RULES.—The department shall adopt rules necessary to develop and implement the standardized core credentials data collection program established by this section.

Section 90. Section 232.61, Florida Statutes, is amended to read:

232.61 Governing organization for athletics; adoption of bylaws.—

(1) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws.

(2) The organization shall ~~also~~ adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

(3) The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this subsection, which shall include minimum standards for the physical capabilities necessary for participation in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation form. The evaluation form shall provide place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. Practitioners administering medical evaluations pursuant to this section must know the minimum standards established by the organization and certify that the student meets the standards. If the practitioner determines that there are any abnormal findings in the cardiovascular system, the student may not participate unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation verifying that the student has satisfactorily passed the evaluation have been received and approved by the school.

(4) Notwithstanding the provisions of subsection (3), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent or guardian of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices, provided that no person or entity shall be held liable for any injury or other damages suffered by such student.

Section 91. Section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, *public schools,* birth centers, *and* federally sponsored community health centers ~~and teaching hospitals~~ by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

(3) Only loans to pay the costs of tuition, books, and living expenses shall be covered, at an amount not to exceed $4,000 for each year of education towards the degree obtained.

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of *Health* ~~Education~~ directly to the federal or state programs or commercial lending institutions holding the loan as follows:

(a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;

(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;

(c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and

(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed $4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of *Health* ~~Education~~ pursuant to this section and s. 240.4076 and department rules. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of *Health* ~~Education~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to licensing fees imposed under part I of chapter 464, there is hereby levied and imposed an additional fee of $5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of *Health* ~~Education~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, *public schools,* county health departments, federally sponsored community health centers, ~~or~~ teaching hospitals as defined in s. 408.07*, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. If in any given fiscal quarter there are insufficient funds in the trust fund to grant all eligible applicant requests, awards shall be based on the following priority of employer: county health departments; federally sponsored community health centers; state-operated medical and health care facilities; public schools; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes*.

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

(8) The Department of *Health* ~~Education~~ may solicit technical assistance relating to the conduct of this program from the Department of *Education* ~~Health~~.

(9) The Department of *Health* ~~Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of *Health* ~~Education~~ may adopt rules necessary to administer this program.

(11) This section shall be implemented only as specifically funded.

Section 92. Section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(1) There is established within the Department of *Health* ~~Education~~ a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled as a full-time or part-time student in the upper division of an approved nursing program leading to the award of a baccalaureate *degree or graduate degree to qualify for a nursing faculty position or as an* ~~or any~~ advanced registered nurse practitioner ~~degree~~ or be enrolled as a full-time or part-time student in an approved program leading to the award of an associate degree in nursing ~~or a diploma in nursing~~.

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed $8,000 per year. However, registered nurses pursuing *a graduate degree for a faculty position or to practice as* an advanced registered nurse practitioner ~~degree~~ may receive up to $12,000 per year. Beginning July 1, 1998, these amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months *in a faculty position in a college of nursing or community college nursing program in this state or* at a health care facility in a medically underserved area as approved by the Department of *Health* ~~Education~~. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include *nursing homes and hospitals in this state,* state-operated medical or health care facilities, *public schools,* county health departments, federally sponsored community health centers, *colleges of nursing in universities in this state, and community college nursing programs in this state* ~~or teaching hospitals as defined in s. 408.07~~. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies or who does not become licensed shall repay to the Department of *Health* ~~Education~~, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 240.4075. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of *Health* ~~Education~~ an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment shall be made within 1 year of notice that the recipient is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) Scholarship payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of *Health* ~~Education~~ shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of *Health* ~~Education~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Health.

(7) The Department of *Health* ~~Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 93. *All powers, duties, and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Education relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Health.*

Section 94. Effective July 1, 2003, section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters.—The board shall maintain its official headquarters in *Tallahassee* ~~the city in which it has been domiciled for the past 5 years~~.

Section 95. Subsections (1) and (2) of section 464.008, Florida Statutes, are amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed $150 and has remitted an examination fee set by the board not to exceed $75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program*, or its equivalent as determined by the board,* for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the department.

(2) Each applicant who passes the examination and provides proof of *meeting the educational requirements specified in subsection (1)* ~~graduation from an approved nursing program~~ shall, unless denied pursuant to s. 464.018, be entitled to licensure as a registered professional nurse or a licensed practical nurse, whichever is applicable.

Section 96. Section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.—

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed $100, demonstrates to the board that he or she:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department.

(2) Such examinations and requirements from other states shall be presumed to be substantially equivalent to or more stringent than those in this state. Such presumption shall not arise until January 1, 1980. However, the board may, by rule, specify states the examinations and requirements of which shall not be presumed to be substantially equivalent to those of this state.

(3) The applicant must submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant. The Department of Health shall submit the fingerprints provided by the applicant to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The Department of Health shall review the results of the criminal history check, issue a license to an applicant who has met all of the other requirements for licensure and has no criminal history, and shall refer all applicants with criminal histories back to the board for determination as to whether a license should be issued and under what conditions.

(4)~~(3)~~ The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this part *or chapter 456* until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

(5) The department shall develop an electronic applicant notification process and provide electronic notification when the application has been received and when background screenings have been completed, and shall issue a license within 30 days after completion of all required data collection and verification. This 30-day period to issue a license shall be tolled if the applicant must appear before the board due to information provided on the application or obtained through screening and data collection and verification procedures.

Section 97. Section 464.0195, Florida Statutes, is created to read:

464.0195 Florida Center for Nursing; goals.—There is established the Florida Center for Nursing to address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. The Legislature finds that the center will repay the state's investment by providing an ongoing strategy for the allocation of the state's resources directed towards nursing. The primary goals for the center shall be to:

(1) Develop a strategic statewide plan for nursing manpower in this state by:

(a) Establishing and maintaining a database on nursing supply and demand in the state, to include current supply and demand, and future projections; and

(b) Selecting from the plan priorities to be addressed.

(2) Convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to:

(a) Review and comment on data analysis prepared for the center;

(b) Recommend systemic changes, including strategies for implementation of recommended changes; and

(c) Evaluate and report the results of these efforts to the Legislature and others.

(3) Enhance and promote recognition, reward, and renewal activities for nurses in the state by:

(a) Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center;

(b) Proposing and creating additional reward, recognition, and renewal activities for nurses; and

(c) Promoting media and positive image-building efforts for nursing.

Section 98. Section 464.0196, Florida Statutes, is created to read:

464.0196 Florida Center for Nursing; board of directors.—

(1) The Florida Center for Nursing shall be governed by a policy-setting board of directors. The board shall consist of 16 members, with a simple majority of the board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The members of the board shall be appointed by the Governor as follows:

(a) Four members recommended by the President of the Senate, at least one of whom shall be a registered nurse recommended by the Florida Organization of Nurse Executives and at least one other representative of the hospital industry recommended by the Florida Hospital Association;

(b) Four members recommended by the Speaker of the House of Representatives, at least one of whom shall be a registered nurse recommended by the Florida Nurses Association and at least one other representative of the long-term care industry;

(c) Four members recommended by the Governor, two of whom shall be registered nurses; and

(d) Four nurse educators recommended by the State Board of Education, one of whom shall be a dean of a College of Nursing at a state university, one other shall be a director of a nursing program in a state community college.

(2) The initial terms of the members shall be as follows:

(a) Of the members appointed pursuant to paragraph (1)(a), two shall be appointed for terms expiring June 30, 2005, one for a term expiring June 30, 2004, and one for a term expiring June 30, 2003.

(b) Of the members appointed pursuant to paragraph (1)(b), one shall be appointed for a term expiring June 30, 2005, two for terms expiring June 30, 2004, and one for a term expiring June 20, 2003.

(c) Of the members appointed pursuant to paragraph (1)(c), one shall be appointed for a term expiring June 30, 2005, one for a term expiring June 30, 2004, and two for terms expiring June 30, 2003.

(d) Of the members appointed pursuant to paragraph (1)(d), the terms of two members recommended by the State Board of Education shall expire June 30, 2005; the term of the member who is a dean of a College of Nursing at a state university shall expire June 30, 2004; and the term of the member who is a director of a state community college nursing program shall expire June 30, 2003.

After the initial appointments expire, the terms of all the members shall be for 3 years, with no member serving more than two consecutive terms.

(3) The board shall have the following powers and duties:

(a) To employ an executive director.

(b) To determine operational policy.

(c) To elect a chair and officers, to serve 2-year terms. The chair and officers may not succeed themselves.

(d) To establish committees of the board as needed.

(e) To appoint a multidisciplinary advisory council for input and advice on policy matters.

(f) To implement the major functions of the center as established in the goals set out in s. 464.0195.

(g) To seek and accept nonstate funds for sustaining the center and carrying out center policy.

(4) The members of the board are entitled to receive per diem and allowances prescribed by law for state boards and commissions.

Section 99. Section 464.0197, Florida Statutes, is created to read:

464.0197 Florida Center for Nursing; state budget support.—The Legislature finds that it is imperative that the state protect its investment and progress made in nursing efforts to date. The Legislature finds that the Florida Center for Nursing is the appropriate means to do so. The center shall have state budget support for its operations so that it may have adequate resources for the tasks the Legislature has set out in s. 464.0195.

Section 100. *The Board of Nursing within the Department of Health shall hold in abeyance until July 1, 2002, the development of any rule pursuant to s. 464.019(2), Florida Statutes, which relates to the establishment of faculty/student clinical ratios. The Board of Nursing and the Department of Education shall submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such proposed rule change.*

Section 101. Subsection (1) of section 464.0205, Florida Statutes, is amended to read:

464.0205 Retired volunteer nurse certificate.—

(1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:

(a) A complete application.

~~(b) An application and processing fee of $25.~~

(b)~~(c)~~ Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).

(c)~~(d)~~ Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.

Section 102. *The Florida Legislature's Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within one department, as recommended by the Auditor General in Operational Report Number 01-063. The study shall be completed and a report issued to the Legislature on or before November 30, 2001.*

Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

(1)(a) As used in this section, the term "clinic" means a business operating in a single structure or facility or group of adjacent structures or facilities operating under the same business name or management at which health care services are provided to individuals and which tenders charges for reimbursement for such services.

(b) For purposes of this section, the term "clinic" does not include and the registration requirements in this section do not apply to:

1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.

2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).

3. Sole proprietorships, group practices, partnerships, or corporations which provide health care services by licensed health care practitioners pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 484, chapter 486, chapter 490, or chapter 491; part I, part III, part X, part XIII, or part XIV of chapter 468; or s. 464.012, which are wholly owned by licensed health care practitioners or wholly owned by licensed health care practitioners and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.

(2)(a) Every clinic, as defined in paragraph (1)(a), must register, and at all times maintain a valid registration, with the department. Each clinic location must be registered separately even though operated under

the same business name or management, and each clinic must appoint a medical director or clinic director.

(b) The department shall adopt rules necessary to administer the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration may be conducted electronically. Registration fees must be calculated to reasonably cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. The registration program must require:

1. The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially thereafter.

2. The registration form to contain the name, residence, and business address, phone number, and license number of the medical director or clinic director for the clinic.

3. The clinic to display the registration certificate in a conspicuous location within the clinic which is readily visible to all patients.

(3)(a) Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as the clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license.

(b) The medical director or clinic director must agree in writing to accept responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

1. Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic which is readily visible to all patients.

2. Ensure that all practitioners providing health care services or supplies to patients maintain a current, active, and unencumbered Florida license.

3. Review any patient-referral contracts or agreements executed by the clinic.

4. Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

5. Serve as the clinic records owner as defined in s. 456.057.

6. Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and the rules adopted thereunder.

7. Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director must take immediate corrective action.

(c) Any contract to serve as a medical director or clinic director entered into or renewed by a physician or licensed health care practitioner in violation of this section is void as contrary to public policy. This section applies to contracts entered into or renewed on or after the effective date of this section.

(d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licensees for which a medical director or clinic director may assume responsibility for purposes of this section. In determining the quality of supervision a medical director or clinic director can provide, the department shall consider the number of clinic employees, the clinic location, and the services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section but that is not so registered are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with this chapter and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted pursuant to this section.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Section 104. *The sum of $100,000 is appropriated from the registration fees collected from clinics pursuant to s. 456.0375, Florida Statutes, and one-half of one full-time equivalent position is authorized, to the Department of Health for the purposes of regulating medical clinics pursuant to s. 456.0375, Florida Statutes. The appropriated funds shall be deposited into the Medical Quality Assurance Trust Fund.*

Section 105. Subsection (3) of section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.—

(3)*(a)* In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved domestic-violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 106. Subsection (9) of section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(9)*(a)* In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 107. (1) Subsection (9) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(9) With respect to any group or individual insurer covering dental services, each claimant, or dentist acting for a claimant, who has had a claim denied as not medically or dentally necessary or who has had a claim payment based on an alternate dental service in accordance with accepted dental standards for adequate and appropriate care must be provided an opportunity for an appeal to the insurer's licensed dentist who is responsible for the medical necessity reviews under the plan or is a member of the plan's peer review group. The appeal may be by telephone, and the insurer's dentist must respond within a reasonable time, not to exceed 15 business days.

(2) This section shall apply to policies issued or renewed on or after July 1, 2001.

Section 108. Paragraph (c) of subsection (6) of section 468.302, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(c) A person who is trained and skilled in *invasive cardiovascular* ~~cardiopulmonary~~ technology*, including the radiologic technology duties associated with these procedures,* and who provides *invasive cardiovascular* ~~cardiopulmonary~~ technology services at the direction, and under the direct supervision, of a licensed practitioner *who is trained and skilled in performing invasive cardiovascular procedures. Such persons must have successfully completed a didactic and clinical training program in the following areas before performing radiologic technology duties:*

1. Principles of X-ray production and equipment operation.

2. Biological effects of radiation.

3. Radiation exposure and monitoring.

4. Radiation safety and protection.

5. Evaluation of radiographic equipment and accessories.

6. Radiographic exposure and technique factors.

7. Film processing.

8. Image quality assurance.

9. Patient positioning.

10. Administration and complications of contrast media.

11. Specific fluoroscopic and digital X-ray imaging procedures related to invasive cardiovascular technology.

(d) A person who is a general radiographer certified pursuant to this part who is trained and skilled in radiologic technology procedures appropriate to managing patients in the course of radiation therapy treatment and who provides these services while assisting a person registered with the American Registry of Radiologic Technologists in radiation therapy under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments, and who assists in providing radiation therapy procedures. Such persons must successfully complete a training program in the following areas before performing radiologic technology duties:

1. Principles of radiation therapy treatment;

2. Biological effects of radiation;

3. Radiation exposure and monitoring;

4. Radiation safety and protection;

5. Evaluation and handling of radiographic treatment equipment and accessories; and

6. Patient positioning for radiation therapy treatment.

Section 109. Subsections (8) and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(8) "*Registered* respiratory therapist" means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) *"Certified respiratory therapist" or* "respiratory care practitioner" means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.

Section 110. Subsections (1) and (2) of section 468.355, Florida Statutes, are amended to read:

468.355 Eligibility for licensure; temporary licensure.—

(1) To be eligible for licensure by the board as a *certified respiratory therapist* ~~respiratory care practitioner~~, an applicant must:

(a) Be at least 18 years old.

(b) Possess a high school diploma or a graduate equivalency diploma.

(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Certified Respiratory *Therapist* ~~Therapy Technician~~" certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for licensure by the board as a *registered* respiratory therapist, an applicant must:

(a) Be at least 18 years old.

(b) Possess a high school diploma or a graduate equivalency diploma.

(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for *registered* respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

Section 111. Section 468.357, Florida Statutes, is amended to read:

468.357 Licensure by examination.—

(1) A person who desires to be licensed as a *certified respiratory therapist* ~~respiratory care practitioner~~ may submit an application to take the examination, in accordance with board rule.

(a) Each applicant may take the examination who is determined by the board to have:

1. Completed the application form and remitted the applicable fee set by the board;

2. Submitted required documentation as required in s. 468.355; and

3. Remitted an examination fee set by the examination provider.

(b) Examinations for licensure of *certified respiratory therapist* ~~respiratory care practitioners~~ must be conducted no less than two times a year in such geographical locations or by such methods as are deemed advantageous to the majority of the applicants.

(c) The examination given for *certified respiratory therapist* ~~respiratory care practitioners~~ shall be the same as that given by the National Board for Respiratory Care for entry-level certification of respiratory

therapists ~~therapy technicians~~. However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~, and the department shall issue a license pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

Section 112. Subsections (1) and (2) of section 468.358, Florida Statutes, are amended to read:

468.358 Licensure by endorsement.—

(1) Licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~ shall be granted by endorsement to an individual who holds the "Certified Respiratory *Therapist* ~~Therapy Technician~~" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) Licensure as a *registered* respiratory therapist shall be granted by endorsement to an individual who holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

Section 113. Section 468.359, Florida Statutes, is amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are licensed pursuant to this part as respiratory care practitioners have the right to use the title "Respiratory Care Practitioner" and the abbreviation "RCP."

(2) Only persons who are licensed pursuant to this part as *registered* respiratory therapists have the right to use the title "Registered Respiratory Therapist" and the abbreviation "RRT~~,~~" *when delivering services pursuant to this part* ~~provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care~~.

(3) Only persons who are *licensed pursuant to this part as certified respiratory therapists have the right to use the title "Certified Respiratory Therapist" and the abbreviation "CRT" when delivering services pursuant to this part.* ~~graduates of board-approved programs for respiratory care practitioners may use the term "Graduate Respiratory Therapy Technician" and the abbreviation "GRTT."~~

~~(4) Only persons who are graduates of board-approved programs for respiratory therapists may use the term "Graduate Respiratory Therapist" and the abbreviation "GRT."~~

(4)~~(5)~~ No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner*, certified respiratory therapist,* or *registered* respiratory therapist; or use the abbreviation "RCP*," "CRT," or "RRT" that would lead the public to believe that such person is licensed pursuant to this part unless such person is so licensed;* or take any other action that would lead the public to believe that such person is licensed pursuant to this part unless such person is so licensed.

Section 114. Subsections (2), (3), and (4) of section 468.1155, Florida Statutes, are amended to read:

468.1155 Provisional license; requirements.—

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master's degree or *is currently enrolled in a* doctoral degree *program* with a major emphasis in speech-language pathology from an institution of higher learning which *is*, *or* at the time the applicant was enrolled and graduated~~,~~ was*,* accredited by an accrediting agency recognized by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation or from an institution which is ~~publicly recognized as~~ a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from *or is currently enrolled in* a program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in speech-language pathology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of speech-language pathology *or completed the number of clock hours required by an accredited institution meeting national certification standards*. The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master's degree or *is currently enrolled in a* doctoral degree *program* with a major emphasis in audiology from an institution of higher learning which *is, or* at the time the applicant was enrolled and graduated was*,* accredited by an accrediting agency recognized by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation or from an institution which is ~~publicly recognized as~~ a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from *or is currently enrolled in* a program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in audiology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of audiology *or completed the number of clock hours required by an accredited institution meeting national certification standards*. The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(4) An applicant ~~for a provisional license~~ who has received a master's degree or *is currently enrolled in a* doctoral degree *program* with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

Section 115. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(1) The department shall issue a certificate as a speech-language pathology assistant to each applicant who the board certifies has:

(b) Earned a bachelor's degree from a college or university accredited by a regional association of colleges and schools recognized by the Department of Education which includes at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation.

(2) The department shall issue a certificate as an audiology assistant to each applicant who the board certifies has:

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education* ~~Commission on Recognition of Postsecondary~~ Accreditation.

Section 116. Subsection (3) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(3) "Massage" means the manipulation of the *soft* ~~superficial~~ tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

Section 117. Subsection (3) of section 484.002, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

484.002 Definitions.—As used in this part:

(3) "Opticianry" means the preparation and dispensing of lenses, spectacles, eyeglasses, contact lenses, and other optical devices to the intended user or agent thereof, upon the written prescription of a *licensed allopathic or osteopathic physician* ~~medical doctor~~ or optometrist who is duly licensed to practice or upon presentation of a duplicate prescription. The selection of frame designs, the actual sales transaction, and the transfer of physical possession of lenses, spectacles, eyeglasses, contact lenses, and other optical devices subsequent to performance of all services of the optician shall not be considered the practice of opticianry; however, such physical possession shall not be transferred until the optician has completed the fitting of the optical device upon the customer. The practice of opticianry also includes the duplication of lenses accurately as to power, without prescription. A board-certified optician qualified and operating under rules established by the board may fill, fit, adapt, or dispense any soft contact lens prescription. Such optician may fill, fit, adapt, or dispense any extended wear or hard contact lens prescription to the extent authorized to do so by the prescribing *allopathic or osteopathic physician* ~~medical doctor~~ or optometrist.

(8) "Contact lenses" means a prescribed medical device intended to be worn directly against the cornea of the eye to correct vision conditions, act as a therapeutic device, or provide a cosmetic effect.

(9) "Optical Dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer, duplicating lenses, accurately as to power without a prescription and duplicating nonprescription eyewear and parts of eyewear. "Optical Dispensing" does not include selecting frames, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

Section 118. Subsection (2) of section 484.006, Florida Statutes, is amended to read:

484.006 Certain rules prohibited.—

(2) No rule or policy of the board shall prohibit any optician from practicing jointly with optometrists or *allopathic or osteopathic physicians* ~~medical doctors~~ licensed in this state.

Section 119. Subsections (1) and (2) of section 484.012, Florida Statutes, are amended to read:

484.012 Prescriptions; filing; duplication of prescriptions; duplication of lenses.—

(1) Any prescription written by a duly licensed *allopathic or osteopathic physician* ~~medical doctor~~ or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices shall be kept on file for a period of 2 years with the optical establishment that fills such prescription. However, the licensed optician may maintain a copy of the prescription.

(2) Upon request by the intended user of the prescribed lenses, spectacles, eyeglasses, contact lenses, or other optical devices, or by an agent of the intended user, the optician who fills the original prescription shall duplicate, on a form prescribed by rule of the board, the original prescription. However, for medical reasons only, the prescribing *allopathic or osteopathic physician* ~~medical doctor~~ or optometrist may, upon the original prescription, prohibit its duplication. Any duplication shall be considered a valid prescription to be filled for a period of 5 years from the date of the original prescription, except that a contact lens prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.

Section 120. Section 484.015, Florida Statutes, is amended to read:

484.015 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours *an* ~~any~~ establishment *of any kind* in the state in which lenses, spectacles, eyeglasses, contact lenses, and any other optical devices are prepared *or* ~~and~~ dispensed, for the purposes of:

(1) Determining if any provision of this part, or any rule promulgated under its authority, is being violated;

(2) Securing samples or specimens of any lenses, spectacles, eyeglasses, contact lenses, or other optical devices, after paying or offering to pay for such sample or specimen; or

(3) Securing such other evidence as may be needed for prosecution under this part.

Section 121. Subsection (1) of section 484.0445, Florida Statutes, is amended to read:

484.0445 Training program.—

(1) The board shall establish by rule a training program *for a minimum* ~~not to exceed~~ 6 months in length, which may include a board-approved home study course. ~~Upon submitting to the department the registration fee, the applicant may register and enter the training program. Upon completion of the training program, the trainee shall take the first available written and practical examinations offered by the department. The department shall administer the written and practical examinations as prescribed by board rule. If the trainee fails either the written or the practical examination, she or he may repeat the training program one time and retake the failed examination, provided she or he takes the next available examination. No person may remain in trainee status or further perform any services authorized for a trainee if she or he fails either the written or the practical examination twice; but, a trainee may continue to function as a trainee until she or he has received the results of the examinations. Any applicant who has failed an examination twice and is no longer functioning as a trainee shall be eligible for reexamination as provided in s. 484.045(2).~~

Section 122. Section 484.045, Florida Statutes, is amended to read:

484.045 Licensure by examination.—

(1) Any person desiring to be licensed as a hearing aid specialist shall apply to the department *on a form approved by the department* ~~to take the licensure examination, which shall include a clinical practical component~~.

(2) The department shall *license* ~~examine~~ each applicant who the board certifies:

(a) Has completed the application form and remitted the *required fees* ~~applicable fee to the board and has paid the examination fee~~;

(b) Is of good moral character;

(c) Is 18 years of age or older;

(d) Is a graduate of an accredited high school or its equivalent; ~~and~~

(e)1. Has met the requirements *of the training program* ~~set forth in s. 484.0445~~; or

2.a. Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months; or

b. Is currently certified by the National Board for Certification in Hearing Instrument Sciences and has been actively practicing for at least 12 months. ~~Persons qualifying under this sub-subparagraph need not take the written or practical examination, but must take and pass a test on Florida laws and rules relating to the fitting and dispensing of hearing aids.~~

(f) Has passed an examination, as prescribed by board rule; and

(g) Has demonstrated, in a manner designated by rule of the board, knowledge of state laws and rules relating to the fitting and dispensing of hearing aids.

(3) A person who fails the examination may make application for reexamination to the appropriate examining entity, as prescribed by board rule.

~~(2) On or after October 1, 1990, every applicant who is qualified to take the examination shall be allowed to take the examination three times. If, after October 1, 1990, an applicant fails the examination three times, the applicant shall no longer be eligible to take the examination.~~

~~(3) The department shall issue a license to practice dispensing hearing aids to any applicant who successfully completes the examination in accordance with this section.~~

Section 123. Effective January 1, 2002, subsection (1) of section 490.012, Florida Statutes, is amended to read:

490.012 Violations; penalties; injunction.—

(1)(a) No person shall hold herself or himself out by any professional title, name, or description incorporating the word "psychologist" unless such person holds a valid, active license as a psychologist under this chapter.

(b) No person shall hold herself or himself out by any professional title, name, or description incorporating the words "school psychologist" unless such person holds a valid, active license as a school psychologist under this chapter or is certified as a school psychologist by the Department of Education.

(c)~~(1)(a)~~ No person shall hold herself or himself out by any title or description incorporating the words, or permutations of them, ~~"psychologist,"~~ "psychology," "psychological," "psychodiagnostic," ~~or "school psychologist,"~~ or describe any test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.

(d)~~(b)~~ No person shall hold herself or himself out by any title or description incorporating the word, or a permutation of the word, "psychotherapy" unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in psychiatric mental health.

(e)~~(c)~~ No person licensed or provisionally licensed pursuant to this chapter shall hold herself or himself out by any title or description which indicates licensure other than that which has been granted to her or him.

Section 124. Effective January 1, 2002, Florida Statutes, is amended to read:

490.014 Exemptions.—

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title *or description* protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution*, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)* .

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired*, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)*.

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his or her licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or member of the clergy of any religious denomination or sect when engaging in activities which are within the scope of the performance of his or her regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as

he or she does not hold himself or herself out to the public as possessing a license issued pursuant to this chapter or use a title *or description* protected by this chapter.

(4) Nothing in this section shall exempt any person from the *provisions* ~~provision~~ of s. 490.012(1)*(a)-(b)* ~~(a)-(b)~~.

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

Section 125. Effective January 1, 2002, paragraphs (i), (j), and (k) of subsection (1) of section 491.012, Florida Statutes, are amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(i) Practice clinical social work in this state~~, as the practice is defined in s. 491.003(7),~~ for compensation, unless the person holds a valid, active license to practice clinical social work issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

(j) Practice marriage and family therapy in this state, ~~as the practice is defined in s. 491.003(8),~~ for compensation, unless the person holds a valid, active license to practice marriage and family therapy issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

(k) Practice mental health counseling in this state, ~~as the practice is defined in s. 491.003(9),~~ for compensation, unless the person holds a valid, active license to practice mental health counseling issued pursuant to this chapter *or is an intern registered pursuant to s. 491.0045*.

Section 126. Effective January 1, 2002, paragraphs (a) and (b) of subsection (4) of section 491.014, Florida Statutes, are amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution*, so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist*.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired*, so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist*.

Section 127. Subsection (4) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(4) Notwithstanding the provisions of s. 456.033, a physician may complete continuing education on end-of-life care and palliative ~~health~~ care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 128. Subsection (5) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(5) Notwithstanding the provisions of s. 456.033, an osteopathic physician may complete continuing education on end-of-life and palliative ~~health~~ care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 129. Subsection (4) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter:

(4) "End-stage condition" means *an irreversible* ~~a~~ condition that is caused by injury, disease, or illness which has resulted in *progressively* severe and permanent deterioration, ~~indicated by incapacity and complete physical dependency~~ and ~~for~~ which, to a reasonable degree of medical *probability* ~~certainty~~, treatment of the ~~irreversible~~ condition would be ~~medically~~ ineffective.

Section 130. Subsection (4) of section 765.102, Florida Statutes, is amended to read:

765.102 Legislative findings and intent.—

(4) The Legislature recognizes the need for all health care professionals to rapidly increase their understanding of end-of-life and palliative ~~health~~ care. Therefore, the Legislature encourages the professional regulatory boards to adopt appropriate standards and guidelines regarding end-of-life care and pain management and encourages educational institutions established to train health care professionals and allied health professionals to implement curricula to train such professionals to provide end-of-life care, including pain management and palliative care.

Section 131. Section 765.1025, Florida Statutes, is created to read:

765.1025 Palliative care.—For purposes of this chapter:

(1) Palliative care is the comprehensive management of the physical, psychological, social, spiritual, and existential needs of patients. Palliative care is especially suited to the care of persons who have incurable, progressive illness.

(2) Palliative care must include:

(a) An opportunity to discuss and plan for end-of-life care.

(b) Assurance that physical and mental suffering will be carefully attended to.

(c) Assurance that preferences for withholding and withdrawing life-sustaining interventions will be honored.

(d) Assurance that the personal goals of the dying person will be addressed.

(e) Assurance that the dignity of the dying person will be a priority.

(f) Assurance that health care providers will not abandon the dying person.

(g) Assurance that the burden to family and others will be addressed.

(h) Assurance that advance directives for care will be respected regardless of the location of care.

(i) Assurance that organizational mechanisms are in place to evaluate the availability and quality of end-of-life, palliative, and hospice care services, including the evaluation of administrative and regulatory barriers.

(j) Assurance that necessary health care services will be provided and that relevant reimbursement policies are available.

(k) Assurance that the goals expressed in paragraphs (a)-(j) will be accomplished in a culturally appropriate manner.

Section 132. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) *Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician.* ~~When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.~~

Section 133. Paragraph (b) of subsection (1) of section 765.205, Florida Statutes, is amended to read:

765.205 Responsibility of the surrogate.—

(1) The surrogate, in accordance with the principal's instructions, unless such authority has been expressly limited by the principal, shall:

(b) Consult expeditiously with appropriate health care providers to provide informed consent, and make only health care decisions for the principal which he or she believes the principal would have made under the circumstances if the principal were capable of making such decisions. *If there is no indication of what the principal would have chosen, the surrogate may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

Section 134. Subsections (2) and (3) of section 765.401, Florida Statutes, are amended to read:

765.401 The proxy.—

(2) Any health care decision made under this part must be based on the proxy's informed consent and on the decision the proxy reasonably believes the patient would have made under the circumstances. *If there is no indication of what the patient would have chosen, the proxy may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305, except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent *or, if there is no indication of what the patient would have chosen, that the decision is in the patient's best interest*.

Section 135. *The Legislature finds that the area of specialty training is of great importance to the citizens of this state and that specialty training and certification creates a higher level of proficiency for the practitioner and improves the delivery of health care to Floridians. Because much confusion exists among the patient population and practitioners as to the requirements for board certification, the Legislature directs the Department of Health to conduct a study of the area of specialty certification relating to the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Dentistry. The study should review current statutes and rules to determine if any barriers exist in board recognition of certifying organizations and if restrictions placed on a licensee's speech both target an identifiable harm and mitigate against such harm in a direct and effective manner. A final report shall be provided no later than January 1, 2002, to the President of the Senate and the Speaker of the House of Representatives for distribution to the chairs of the health-care-related committees.*

Section 136. Paragraph (d) of subsection (2) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(2) The following types of wholesaler permits are established:

(d) A retail pharmacy wholesaler's permit. A retail pharmacy wholesaler is a retail pharmacy engaged in wholesale distribution of prescription drugs within this state under the following conditions:

1. The pharmacy must obtain a retail pharmacy wholesaler's permit pursuant to ss. 499.001-499.081 and the rules adopted under those sections.

2. The wholesale distribution activity does not exceed 30 percent of the total annual purchases of prescription drugs. If the wholesale distribution activity exceeds the 30-percent maximum, the pharmacy must obtain a prescription drug wholesaler's permit.

3. The transfer of prescription drugs that appear in any schedule contained in chapter 893 is subject to chapter 893 and the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

4. The transfer is between a retail pharmacy and another retail pharmacy*, a Modified Class II institutional pharmacy,* or a health care practitioner licensed in this state and authorized by law to dispense or prescribe prescription drugs.

5. All records of sales of prescription drugs subject to this section must be maintained separate and distinct from other records and comply with the recordkeeping requirements of ss. 499.001-499.081.

Section 137. *The Legislature finds that personal identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the express intent of the Legislature to protect confidential information and the individual's expectations of the right to privacy in all matters regarding her or his personal health and not to have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 138. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)*(a)* Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.~~(a)~~ To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.~~(b)~~ When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.~~(c)~~ In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.~~(d)~~ For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.

Section 139. Subsection (7) of section 395.3025, Florida Statutes is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)*(a)* If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.

Section 140. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical *record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information,* or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 141. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners; however, the rules must permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research, in accordance with federal law. In addition, these rules must be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102. If the department determines that a health insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.

Section 142. Effective upon becoming law, subsections (14), (15), and (16) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) Before November 30 of each year, subject to the availability of an adequate supply of the necessary vaccine, provide for immunizations against influenza viruses to all its consenting residents in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Subject to these exemptions, any consenting person who becomes a resident of the facility after November 30 but before March 31 of the following year must be immunized within 5 working days after becoming a resident. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this subsection. This subsection does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.

(15) Assess all residents for eligibility for pneumococcal polysaccharide vaccination (PPV) and vaccinate residents when indicated within 60 days after the effective date of this act in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contradictions and religious or personal beliefs. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this subsection. This subsection does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.

(16) Annually encourage and promote to its employees the benefits associated with immunizations against influenza viruses in accordance with the recommendations of the U.S. Centers for Disease Control and Prevention. The agency may adopt and enforce any rules necessary to comply with or implement this subsection.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 143. *There is established the Office of Community Partners within the Department of Health for the purpose of receiving, coordinating, and dispensing federal funds set aside to expand the delivery of social services through eligible private community organizations and programs. The office shall provide policy direction and promote civic initiatives which seek to preserve and strengthen families and communities. The Department of Health, the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Corrections may request transfer of general revenue funds between agencies, as approved by the Legislative Budget Commission, as necessary to match federal funds received by the Office of Community Partners for these initiatives.*

Section 144. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 through page 3, line 23, delete all of said lines and insert: An act relating to health care; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; repealing s. 458.31151, F.S.; repealing obsolete provisions; amending s. 457.107, F.S.; for clarification of acupuncture fees; amending s. 483.807, F.S.; relating to clinical laboratory personnel fees; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations; providing for electronic access to and

posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; clarifying circumstances under which candidates may bring a challenge; providing for electronic administration of certain laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 458.345, 458.347, 459.0085, 459.015, 459.022, 460.413, 461.013, 462.14, 463.016, 464.018, 465.008, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; revising and conforming provisions relating to disciplinary grounds and penalties; amending s. 458.315, F.S.; providing that a physician practicing under a temporary certificate is immune from civil liability if acting in good faith as a reasonably prudent person and if the injury or damage is not caused by willful misconduct; providing requirements for the Board of Medicine in issuing temporary certificates; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; amending s. 456.003, F.S.; providing a limitation on the duties of certain boards; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Services; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 232.435, F.S.; providing training requirements for a first responder and teacher athletic trainer; amending s. 383.14, F.S.; amending screening requirements for postnatal screening; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of administrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of a practitioner for fraud; amending s. 456.077, F.S.; specifying violations for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; creating s. 458.3147, F.S.; providing automatic admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending s. 641.51, F.S.; revising adverse determination provisions; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amend-

ing s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 484.002, F.S.; amending and creating definitions; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term "medical doctor" with the term "allopathic or osteopathic physician"; amending s. 484.015, F.S.; revising inspection authority; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross-reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term "end-stage condition" with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler's permit; providing legislative intent; amending ss. 395.3025, 400.1415, and 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing absent a specific written release or authorization; providing penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; establishing the Office of Community Partners within the Department of Health to provide for delivery of social services through eligible private organizations and programs; providing procedure for transfer of general revenue funds to match federal funds received by the office; providing effective dates.

Senator Saunders moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (590086)(with title amendment)—On page 28, line 6 through page 29, line 22, delete those lines and insert:

Section 18. Subsection (2) of section 458.315, Florida Statutes, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.—Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of $300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(2) The board may administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary. *Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate or notify the applicant of denial.*

Section 19. Paragraph (d) is added to subsection (1) of section 459.0075, Florida Statutes, to read:

459.0075 Limited licenses.—

(1) Any person desiring to obtain a limited license shall:

(d) Within 60 days after receipt of an application for a limited license, the board shall review the application and issue the limited license or notify the applicant of denial.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 290, lines 9-14, delete those lines and insert: penalties; amending s. 458.315, F.S.; revising the procedure for obtaining a temporary permit; amending 459.0075, F.S.; revising the procedure for obtaining a limited license;

SENATOR SULLIVAN PRESIDING

Senator Webster moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1B (510348)—On page 38, between lines 5 and 6, insert:

(oo) Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 10 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.

The vote was:

Yeas—21

Burt	Dawson	Lee	Sebesta
Carlton	Diaz de la Portilla	Miller	Wasserman Schultz
Clary	Geller	Peaden	Webster
Constantine	Klein	Posey	
Cowin	Latvala	Pruitt	
Crist	Lawson	Saunders	

Nays—13

Bronson	Jones	Mitchell	Silver
Campbell	King	Rossin	Sullivan
Holzendorf	Meek	Sanderson	Villalobos
Horne			

Vote after roll call:

Nay—Smith

Senator Saunders moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1C (530074)—On page 157, delete line 27 and insert:

Section 54. Effective October 1, 2001, paragraphs (e) and (f) of subsection (4)

Amendment 1D (675558)—On page 161, delete line 9 and insert:

Section 55. Effective October 1, 2001, subsection (4) and paragraph (c) of

Amendment 1E (224640)(with title amendment)—On page 209, lines 17-24, delete those lines

And the title is amended as follows:

On page 293, lines 20-25, delete those lines and insert: containing specified information; amending ss.

Amendment 1F (100780)—On page 248, line 15 through page 252, line 22, delete those lines and insert:

Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

(1)(a) As used in this section, the term "clinic" means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating under the same business name or management, at which health care services are provided to individuals and which tender charges for reimbursement for such services.

(b) For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:

1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.

2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).

3. Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or parts I, III, X, XIII, or XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.

(2)(a) Every clinic, as defined in paragraph (1)(a), must register, and must at all times maintain a valid registration, with the Department of Health. Each clinic location shall be registered separately even though operated under the same business name or management, and each clinic shall appoint a medical director or clinical director.

(b) The department shall adopt rules necessary to implement the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration fees must be reasonably calculated to cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. Registration may be conducted electronically. The registration program must require:

1. The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially.

2. The registration form to contain the name, residence and business address, phone number, and license number of the medical director or clinical director for the clinic.

3. The clinic to display the registration certificate in a conspicuous location within the clinic readily visible to all patients.

(3)(a) Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as a clinical director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinical director if the services provided at the clinic are beyond the scope of that practitioner's license.

(b) The medical director or clinical director shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinical director shall:

1. Have signs identifying the medical director or clinical director posted in a conspicuous location within the clinic readily visible to all patients.

2. Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

3. Review any patient referral contracts or agreements executed by the clinic.

4. Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

5. Serve as the clinic records holder as defined in s. 456.057.

6. Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted thereunder.

7. Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director shall take immediate corrective action.

(c) Any contract to serve as a medical director or a clinical director entered into or renewed by a physician or a licensed health care practitioner in violation of this section is void as contrary to public policy. This section shall apply to contracts entered into or renewed on or after October 1, 2001.

(d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licensees for which a medical director or a clinical director may assume responsibility for purposes of this section. In determining the quality of supervision a medical director or a clinical director can provide, the department shall consider the number of clinic employees, clinic location, and services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section, but that is not so registered, are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with chapter 456 and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted by the department.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Amendment 1G (323012)(with title amendment)—On page 254, line 15 through page 256, line 3, delete those lines and insert:

Section 108. Paragraph (d) of subsection (3) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(3)

(d) A person holding a certificate as a general radiographer may not perform nuclear medicine and radiation therapy procedures*, except as provided in this paragraph. A person who is a general radiographer certified pursuant to this part who receives additional training and skills in radiation therapy technology procedures as referenced in this paragraph may assist with managing patients undergoing radiation therapy treatments if that assistance is provided to a person registered with the American Registry of Radiologic Technologists in radiation therapy who is also certified pursuant to this part as a radiation therapy technologist. Both the general radiographer and the radiation therapy technologist must perform these radiation therapy services under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments. The radiation therapy technologist identified under this paragraph may not delegate any function to the general radiographer which could reasonably be expected to create an unnecessary danger to a patient's life, health, or safety. The general radiographer identified under this section may not, however, perform the following services while assisting the radiation therapy technologist: radiation treatment planning, calculation of radiation therapy doses, or any of the duties of a medical physicist. The general radiographer identified under this section must successfully complete a training program in the following areas before assisting with radiation therapy technology duties:*

1. Principles of radiation therapy treatment;

2. Biological effects of radiation;

3. Radiation exposure and monitoring;

4. Radiation safety and protection;

5. Evaluation and handling of radiographic treatment equipment and accessories; and

6. Patient positioning for radiation therapy treatment.

In addition, a general radiographer may participate in additional approved programs as provided by rule of the department.

And the title is amended as follows:

On page 297, line 25, after the semicolon (;) insert: providing training requirements;

Senator Silver moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1H (491306)—On page 255, line 15 through page 256, line 3, delete those lines and insert:

(d) A person holding a certificate as a general radiographer may not perform nuclear medicine and radiation therapy procedures, except as provided herein. A person who is a general radiographer certified pursuant to this part who receives additional training and skills in radiation therapy technology procedures as referenced herein may assist with managing patients undergoing radiation therapy treatments if that assistance is provided to a person registered with the American Registry of Radiologic Technologists in radiation therapy who is also certified pursuant to this part as a radiation therapy technologist. Both the general radiographer and the radiation therapy technologist must perform these radiation therapy services under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments. The radiation therapy technologist identified in this paragraph may not delegate any function to the general radiographer that could reasonably be expected to create an unnecessary danger to a patient's life, health or safety. The general radiographer identified under this paragraph may not, however, perform the following services while assisting the radiation therapy technologist: radiation treatment planning, calculation of radiation therapy doses, administration of radiation therapy doses, or any of the duties of a medical physicist. The general radiographer identified under this paragraph must successfully complete a training program in the following areas before assisting with radiation therapy technology duties:

1. Principles of radiation therapy treatment;

2. Biological effects of radiation;

3. Radiation exposure and monitoring;

4. Radiation safety and protection;

5. Evaluation and handling of radiographic treatment equipment and accessories;

6. Patient positioning for radiation therapy treatment. In addition, a general radiographer may participate in additional approved programs as provided by rule of the department.

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1I (940362)(with title amendment)—On page 267, between lines 16 and 17, insert:

Section 120. Section 484.013, Florida Statutes, is amended to read:

484.013 Violations and penalties.—

(1) It is unlawful for any person:

(a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices when such person is not licensed as an optician in this state.

(c) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished with a prescription as provided for in s. 484.012.

(2) It is unlawful for any person other than an optician licensed under this part to use the title "optician" or otherwise lead the public to believe that she or he is engaged in the practice of opticianry.

(3) It is unlawful for any optician to engage in the diagnosis of the human eyes, attempt to determine the refractive powers of the human eyes, or, in any manner, attempt to prescribe for or treat diseases or ailments of human beings.

(4) It is unlawful for any person to open or operate, either alone or with any other person or persons, an optical establishment which does not have the permit required by this part.

(5)*(a) Except as otherwise provided in paragraph (b), a* ~~Any~~ person who violates *any* ~~a~~ provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who knowingly violates paragraph (1)(c) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 121. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.

Florida Statute	Felony Degree	Description
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	*3rd*	*Preparing or dispensing optical devices without a prescription.*
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.

Florida Statute	Felony Degree	Description
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less then 5 kilograms.
893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 298, line 12, following the semicolon (;) insert: amending s. 484.013, F.S.; increasing the penalty for certain acts involving preparation or dispensing of optical devices; amending s. 921.0022, F.S.; providing for the ranking of such offense on the offense severity ranking chart;

Senator Webster moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1J (175244)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 458.3147, Florida Statutes, is created to read:

458.3147 Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who has command approval to apply to medical school prior to assignment to the medical corps of the United States military shall be admitted to any medical school in the State University System. Each medical school in the State University System shall admit two such applicants each academic year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: creating s. 458.3147, F.S.; providing automatic admission to any medical school in the State University System for United States Military Academy students or graduates;

Senator Saunders moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1K (263906)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 409.91188, Florida Statutes, is amended to read:

409.91188 Specialty prepaid health plans for Medicaid recipients with HIV or AIDS.—The Agency for Health Care Administration is authorized to contract with specialty prepaid health plans and pay them on a prepaid capitated basis to provide Medicaid benefits to Medicaid-eligible recipients who have human immunodeficiency syndrome (HIV) or acquired immunodeficiency syndrome (AIDS). The agency shall apply for and is authorized to implement federal waivers or other necessary federal authorization to implement the prepaid health plans authorized by this section. The agency shall procure the specialty prepaid health plans through a competitive procurement. In awarding a contract to a managed care plan, the agency shall take into account price, quality, accessibility, linkages to community-based organizations, and the comprehensiveness of the benefit package offered by the plan. The agency may bid the HIV/AIDS specialty plans on a county, regional, or statewide basis. Qualified plans must be licensed under chapter 641. The agency shall monitor and evaluate the implementation of this waiver program if it is approved by the Federal Government and shall report on its status to the President of the Senate and the Speaker of the House of Representatives by February 1, 2001. *To improve coordination of medical care delivery and to increase cost-efficiency for the Medicaid program in treating HIV disease, the Agency for Healthcare Administration shall seek all necessary federal waivers to allow participation in the Medipass HIV disease management program for Medicare beneficiaries who test positive for HIV infection and who also qualify for Medicaid benefits such as prescription medications not covered by Medicare.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 409.91188, F.S.; requiring the Agency for Health Care Administration to seek certain waivers to allow certain Medicare beneficiaries to participate in the Medipass HIV disease management program;

SENATOR WEBSTER PRESIDING

Amendment 1L (263982)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. *Effective June 1, 2001, subsection (1) of section 71 of chapter 98-171, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration;

Senator Silver moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1M (361050)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Effective July 1, 2001, and applicable to births occurring on or after that date, subsection (2) of section 766.302, Florida Statutes, is amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(2) "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams *for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams* at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and shall not include disability or death caused by genetic or congenital abnormality.

Section 145. Effective July 1, 2001, and applicable to births occurring on or after that date, paragraph (b) of subsection (1) of section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(b)*1.* Periodic payments of an award to the parents or legal guardians of the infant found to have sustained a birth-related neurological injury, which award shall not exceed $100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum.

2. Payment for funeral expenses not to exceed $1,500.

Section 146. *Section 766.308, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 766.302, F.S.; clarifying the definition of the term "birth-related neurological injury"; amending s. 766.31, F.S.; providing for payment of funeral expenses up to a specified amount; repealing s. 766.308, F.S., which provides for review by a medical advisory panel;

Senators Sanderson and Wasserman Schultz offered the following amendment to **Amendment 1** which was moved by Senator Sanderson and failed to receive the required two-thirds vote:

Amendment 1N (471162)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Paragraph (o) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(o) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, that effective July 1, 1999, a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more that 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

~~h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.~~

h.~~i.~~ By a urologist for lithotripsy services.

i.~~j.~~ By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j.~~k.~~ By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

k.~~l.~~ By a nephrologist for renal dialysis services and supplies*, except laboratory services*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, following the semicolon (;) insert: amending s. 456.053, F.S.; redefining the term "referral" with respect to financial arrangements between health care providers and service providers;

The vote was:

Yeas—15

Dawson	Horne	Miller	Smith
Diaz de la Portilla	Jones	Pruitt	Villalobos
Dyer	Klein	Sanderson	Wasserman Schultz
Geller	Lawson	Silver	

Nays—20

Bronson	Constantine	Lee	Rossin
Brown-Waite	Holzendorf	Meek	Saunders
Burt	King	Mitchell	Sebesta
Campbell	Latvala	Peaden	Sullivan
Clary	Laurent	Posey	Webster

Vote after roll call:

Nay—Crist

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1O (620382)(with title amendment)—On page 287, between lines 19 and 20, insert:

Section 144. Section 468.805, Florida Statutes, is amended to read:

468.805 Grandfathering.—

(1)*(a)* A person who has practiced orthotics, prosthetics, or pedorthics in this state for the required period *between* ~~since~~ July 1, 1990, *and March 1, 1998,* who, before March 1, 1998, *applied* ~~applies~~ to the department for a license to practice orthotics, prosthetics, or pedorthics, *and who received certification in orthotics, prosthetics, or pedorthics from a national certifying body and had his or her application fully approved by the board before October 1, 2000,* may be licensed as a prosthetist, *an* orthotist, *a* prosthetist-orthotist, *an* orthotic fitter, *an* orthotic fitter assistant, or *a* pedorthist, as *applicable* ~~determined from the person's experience, certification, and educational preparation~~, without meeting the educational requirements set forth in s. 468.803~~, upon receipt of the application fee and licensing fee and after the board has completed an investigation into the applicant's background and experience. The board shall require an application fee not to exceed $500, which shall be nonrefundable. The board shall complete its investigation within 6 months after receipt of the completed application~~.

(b) The period of experience required for licensure under this *subsection* ~~section~~ is 5 years for a prosthetist *or an orthotist and*~~;~~ 2 years for an orthotic fitter, an orthotic fitter assistant, or a pedorthist*. Each applicant shall document experience in the*~~; and 5 years for an orthotist whose~~ scope of practice *for the profession applied for as* ~~is~~ defined under s. 468.80~~(7)~~.

(2)(a) *An applicant for licensure as an orthotist, a prosthetist, or a prosthetist-orthotist who cannot demonstrate 5 years of experience as required by subsection (1), but who has practiced as an orthotist, a prosthetist, or a prosthetist-orthotist in this state for at least 2 years between July 1, 1990, and March 1, 1998, and* ~~A person~~ who has received certification as an orthotist, a prosthetist, or a prosthetist-orthotist from a national certifying body *before July 1, 1998,* ~~and who has practiced orthotics or prosthetics in this state for at least 2 years but less than 5 years~~ is eligible for a provisional license.

~~(b) An applicant for provisional licensure shall submit proof that he or she has been actively practicing as a nationally certified orthotist, prosthetist, or prosthetist-orthotist, an application fee, and a provisional license fee.~~

(b)~~(c)~~ A provisional licensee is required to practice under supervision of a fully licensed orthotist, prosthetist, or prosthetist-orthotist for up to 3 years in order to meet the 5-year experience requirement of subsection (1) to be licensed as an orthotist, *a* prosthetist, or *a* prosthetist-orthotist. *The provisional licensee must demonstrate that the supervised practice includes experience in the scope of practice of the profession as defined under s. 468.80.*

~~(d) After appropriate investigation, the board shall license as an orthotist, prosthetist, or prosthetist-orthotist the provisional licensee who has successfully completed the period of experience required and otherwise meets the requirements of subsection (1).~~

~~(e) The board shall require an application fee, not to exceed $500, which is nonrefundable, and a provisional licensure fee, not to exceed $500.~~

(3) Upon receipt of the nonrefundable application fee and the appropriate licensing fee, the board shall complete an investigation into the applicant's background and experience. The board shall complete its investigation within 6 months after receipt of the completed application. The 90-day period for approval or denial of a license required under s. 120.60 does not apply to applications for licensure or provisional licensure under this section.

(4) The board by rule shall establish the following fees not to exceed $500 each:

(a) Application fee for licensure under subsection (1).

(b) Application fee for provisional licensure under subsection (2).

(c) Application fee for licensure following provisional licensure under subsection (2).

(d) Initial licensure fee.

(e) Provisional licensure fee.

(5)~~(3)~~ An applicant who has received certification as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist from a national certifying body which requires the successful completion of an examination, may be licensed under this section without taking an additional examination. An applicant who has not received certification from a national certifying body which requires the successful completion of an examination shall be required to take an examination as determined by the board. This examination shall be designed to determine if the applicant has the minimum qualifications needed to be licensed under this section. The board may charge an examination fee and the actual per applicant cost to the department for purchase or development of the examination.

(6)~~(4)~~ An applicant who successfully completed prior to March 1, 1998, at least one-half of the examination required for national certification and successfully completed the remaining portion of the examination and became certified prior to *October 1, 2000* ~~July 1, 1998~~, shall be considered as nationally certified by March 1, 1998, for purposes of this section.

(7)~~(5)~~ This section is repealed July 1, 2002.

Section 145. *Section 1 of chapter 99-158, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 300, line 20, after the semicolon (;) insert: amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; repealing s. 1, ch. 99-158, Laws of Florida, relating to a deadline to apply for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Saunders, **CS for SB 1558** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

THE PRESIDENT PRESIDING

CS for CS for SB 2224—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; providing for certain employees of the division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; transferring various functions, powers, duties, personnel, and assets relating to the Unemployment Appeals Commission to the Agency for Workforce Innovation; transferring various functions, powers, duties, personnel, and assets relating to the Public Employee Relations Commission to the Department of Management Services; transferring the Office of Information Services and related resources of the Department of Labor and Employment Security to the State Technology Office; providing for substitution of a successor agency as a party to judicial and administrative proceedings; transfer-

ring the administration of child labor laws to the Department of Business and Professional Regulation; transferring certain functions of the Office of the Secretary, the Office of Administrative Services, and the Office of General Counsel of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; transferring other workplace regulation functions to the Department of Business and Professional Regulation; providing for the continuation of contracts and agreements; making appropriations; amending s. 20.13, F.S.; creating the Division of Workers' Compensation in the Department of Insurance; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.205, 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.25, 440.271, 440.345, 440.35, 440.381, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.012, 450.191, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.4416, F.S.; transferring the Workers' Compensation Oversight Board from the Department of Labor and Employment Security to the Department of Insurance; revising the membership and appointment of board members; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; repealing s. 20.171, F.S.; abolishing the Department of Labor and Employment Security; providing severability; providing legislative intent; providing effective dates.

—was read the third time by title.

An amendment was considered and adopted by two thirds vote to conform **CS for CS for SB 2224** to **HB 1655**.

Pending further consideration of **CS for CS for SB 2224** as amended, on motion by Senator Clary, by two-thirds vote **HB 1655** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1655—A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; transferring certain rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; specifying controlling legislation in the event of a conflict; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2224** as amended and read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (435872)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Division of Workers' Compensation of the Department of Labor and Employment Security is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Insurance, except as otherwise provided in this section. The*

transfers to the Department of Insurance shall include all resources, data, records, property, and unexpended balances of appropriations, allocations, or other funds. No personnel are transferred to the Department of Insurance. The employees of the Department of Labor and Employment Security's Division of Workers' Compensation, Office of the Secretary, Office of Administrative Services, and Office of General Counsel employed by the Department of Labor and Employment Security as of March 1, 2001 may be given hiring priority by the Department of Insurance, and at least 300 of these employees shall be offered employment by the Department of Insurance, effective October 1, 2001. To the extent feasible, the positions established by the Department of Insurance will be at pay grades comparable to the positions established by the Department of Labor and Employment Security based on the classification code and specifications of the positions for work to be performed at the Department of Insurance. Offers of employment to the 300 employees must be tendered no later than August 15, 2001. The Department of Labor and Employment Security shall offer, and if accepted provide, job placement assistance to those employees not offered employment by the Department of Insurance. After October 1, 2001, such assistance, upon request, shall be provided to these employees by the Agency for Workforce Innovation. The Department of Insurance shall determine the number of positions needed to administer the provisions of chapter 440, Florida Statutes. The number of positions the department determines is needed may not exceed the number of authorized positions and salary and benefits that was authorized for the Division of Workers' Compensation within the Department of Labor and Employment Security prior to the transfer. Upon transfer of the Division of Workers' Compensation, the number of required positions as determined by the department shall be authorized within the agency. The Department of Insurance is further authorized to reassign, reorganize, or otherwise transfer positions to appropriate administrative subdivisions within the department and to establish such regional offices as are necessary to properly enforce and administer its responsibilities under the Florida Insurance Code and chapter 440, Florida Statutes. The department may also enter into contracts with public or private entities to administer its duties and responsibilities associated with the transfer of the Division of Workers' Compensation. All existing contracts related to those functions that are transferred to the Department of Insurance are subject to cancellation or renewal upon review by the Department of Insurance.

(2) Four attorney positions and one administrative assistant III position, and the related property and unexpended balances of appropriations, allocations, and other funds, are transferred from the Office of General Counsel of the Department of Labor and Employment Security to the Department of Insurance by a type two transfer, as defined in section 20.06(2), Florida Statutes.

(3) The Office of the Judges of Compensation Claims is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Administrative Hearings of the Department of Management Services.

(4) Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for coding or entering data contained within final orders issued by the judges of compensation claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(5) Ten positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for receiving and preparing docketing orders for the petitions for benefits and for receiving and entering data related to the petitions for benefits are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(6) Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for financial management, accounting, and budgeting for the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.

(7) Effective July 1, 2001, 29 full-time equivalent positions from the Division of Workers' Compensation of the Department of Labor and Employment Security and the records, property, and unexpended balances of appropriations, allocations, and other funds related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, and data management are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration. However, the claims review functions and three-member panel shall not be so transferred and shall be retained by the Department of Insurance.

(8) All statutory powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workers' Compensation, Office of Medical Services and Rehabilitation, related to reemployment, training and education, obligations to rehire, and preferred worker requirements, consisting of 98 full-time equivalent positions, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Education.

(9) Except as provided in this section, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions of the Division of Workers' Compensation are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Department of Insurance. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines is needed may not exceed the number of administrative support positions that was authorized for the Department of Labor and Employment Security for this purpose prior to the transfer. Upon transfer of the Division of Workers' Compensation, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance.

(10) All the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (7) and (8) to the Department of Education are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Department of Education.

(11) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (7) to the Agency for Health Care Administration are transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

(12) Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Unemployment Appeals Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(13) Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Management Services.

(14) Effective July 1, 2001, the Office of Information Systems is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the State Technology Office. Upon completion of this transfer, the State Technology Office and the Department of Insurance shall enter into discussions to determine whether it would be technologically feasible and cost effective to separate the Workers' Compensation Integrated System from its current mainframe platform and transfer ownership of this system to the

Department of Insurance. If the Department of Insurance ultimately determines that it is technologically feasible and cost effective to transfer ownership of the Workers' Compensation Integrated System from the State Technology Office to the Department of Insurance, the State Technology Office and the Department of Insurance shall jointly develop and implement a plan to transfer this system to the Department of Insurance.

(15)(a) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (12) to the Agency for Workforce Innovation are transferred as provided in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(b) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (13) to the Department of Management Services are transferred as provided in s. 20.06(2), Florida Statutes, to the Department of Management Services.

(c) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (14) to the State Technology Office are transferred as provided in s. 20.06(2), Florida Statutes, to the State Technology Office.

(16) This act does not affect the validity of any judicial or administrative proceeding involving the Department of Labor and Employment Security, which is pending as of the effective date of any transfer under this act. The successor department, agency, or entity responsible for the program, activity, or function relative to the proceeding shall be substituted, as of the effective date of the applicable transfer under this act, for the Department of Labor and Employment Security as a party in interest in any such proceedings.

(17) Effective July 1, 2001, eleven full-time equivalent positions from the Division of Workers' Compensation of the Department of Labor and Employment Security, and the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds related to the administration of child labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(18) Effective July 1, 2001, thirty full-time equivalent positions from the Compliance and Enforcement Program in the Office of the Secretary and Administrative Services and one senior attorney and one administrative secretary from the Office of General Counsel in the Office of the Secretary and Administrative Services, and the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Secretary and Administrative Services of the Department of Labor and Employment Security related to the regulation of labor organizations under chapter 447, Florida Statutes, and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06 (2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(19) Effective July 1, 2001, any other powers, duties, functions, rules, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(20) Effective July 1, 2001, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (17), (18), and (19) to the Department of Business and Professional Regulation are transferred as provided in section 20.06(2), Florida Statutes, to the Department of Business and Professional Regulation.

(21) Notwithstanding any other provision of law, any binding contract or interagency agreement existing on or before October 1, 2001, between the Department of Labor and Employment Security, or an entity or agent of the department, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(22) All rules adopted by the Department of Labor and Employment Security and the authority for such rules relating to the regulation of workers' compensation medical services are transferred to the Agency for Health Care Administration.

(23) The sum of $520,726 is appropriated from the General Revenue Fund to the Department of Business and Professional Regulation for the purpose of administering the regulation of labor organizations under chapter 447, Florida Statutes, and administering migrant labor and farm labor laws under chapter 450, Florida Statutes. This appropriation shall be in addition to the amount of funding appropriated for this purpose in the fiscal year 2001-2002 General Appropriations Act.

Section 2. Paragraph (k) is added to subsection (2) of section 20.13, Florida Statutes, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

(k) Division of Workers' Compensation.

Section 3. *Section 20.171, Florida Statutes, is repealed.*

Section 4. Paragraph (1) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; ~~those positions described in s. 20.171 as included in the Senior Management Service;~~ and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 5. Section 440.015, Florida Statutes, is amended to read:

440.015 Legislative intent.—It is the intent of the Legislature that the Workers' Compensation Law be interpreted so as to assure the quick and efficient delivery of disability and medical benefits to an injured

worker and to facilitate the worker's return to gainful reemployment at a reasonable cost to the employer. It is the specific intent of the Legislature that workers' compensation cases shall be decided on their merits. The workers' compensation system in Florida is based on a mutual renunciation of common-law rights and defenses by employers and employees alike. In addition, it is the intent of the Legislature that the facts in a workers' compensation case are not to be interpreted liberally in favor of either the rights of the injured worker or the rights of the employer. Additionally, the Legislature hereby declares that disputes concerning the facts in workers' compensation cases are not to be given a broad liberal construction in favor of the employee on the one hand or of the employer on the other hand, and the laws pertaining to workers' compensation are to be construed in accordance with the basic principles of statutory construction and not liberally in favor of either employee or employer. It is the intent of the Legislature to ensure the prompt delivery of benefits to the injured worker. Therefore, an efficient and self-executing system must be created which is not an economic or administrative burden. The Division of Workers' Compensation *of the Department of Insurance, the Department of Education, and the Agency for Health Care Administration* shall administer the Workers' Compensation Law in a manner *that* ~~which~~ facilitates the self-execution of the system and the process of ensuring a prompt and cost-effective delivery of payments.

Section 6. Subsections (11), (13), and (14) of section 440.02, Florida Statutes, are amended, and subsection (40) is added to that section, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

(14)(a) "Employee" means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05.

2. As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05.

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the *department* ~~division~~ as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the *department* ~~division~~ as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.

(d) "Employee" does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or

equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the *department* ~~division~~; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

(40) "Agency" means the Agency for Health Care Administration.

Section 7. Section 440.021, Florida Statutes, is amended to read:

440.021 Exemption of workers' compensation from chapter 120.—Workers' compensation adjudications by judges of compensation claims are exempt from chapter 120, and no judge of compensation claims shall be considered an agency or a part thereof. Communications of the result of investigations by the *department* ~~division~~ pursuant to s. 440.185(4) are exempt from chapter 120. In all instances in which the *department* ~~division~~ institutes action to collect a penalty or interest which may be due pursuant to this chapter, the penalty or interest shall be assessed without hearing, and the party against which such penalty or interest is assessed shall be given written notice of such assessment and shall have the right to protest within 20 days of such notice. Upon receipt of a timely notice of protest and after such investigation as may be necessary, the *department* ~~division~~ shall, if it agrees with such protest, notify the protesting party that the assessment has been revoked. If the *department* ~~division~~ does not agree with the protest, it shall refer the matter to the judge of compensation claims for determination pursuant to s. 440.25(2)-(5). Such action of the *department* ~~division~~ is exempt from the provisions of chapter 120.

Section 8. Section 440.05, Florida Statutes, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(1) Each corporate officer who elects not to accept the provisions of this chapter or who, after electing such exemption, revokes that exemption shall mail to the *department* ~~division~~ in Tallahassee notice to such effect in accordance with a form to be prescribed by the *department* ~~division~~.

(2) Each sole proprietor or partner who elects to be included in the definition of "employee" or who, after such election, revokes that election must mail to the *department* ~~division~~ in Tallahassee notice to such effect, in accordance with a form to be prescribed by the *department* ~~division~~.

(3) Each sole proprietor, partner, or officer of a corporation who is actively engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must mail a written notice to such effect to the *department* ~~division~~ on a form prescribed by the *department* ~~division~~ notice of election to be exempt from the provisions of this chapter must be notarized and under oath. The notice of election to be exempt which is submitted to the *department* ~~division~~ by the sole proprietor, partner, or officer of a corporation must list the name, federal tax identification number, social security number, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the *department* ~~division~~, a copy of the relevant occupational license in the primary jurisdiction of the business, and, for corporate officers and partners, the registration number of the corporation or partnership filed with the Division of Corporations of the Department of State. The notice of election to be exempt must identify each sole proprietorship, partnership, or corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the sole proprietor, partner, or officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers and partnerships provided in s. 440.02, and must certify that any employees of the sole proprietor, partner, or officer electing an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the *department* ~~division~~ that the notice meets the requirements of this subsection, the *department* ~~division~~ shall issue a certification of the election to the sole proprietor, partner, or officer, unless the *department* ~~division~~ determines that the information contained in the notice is invalid. The *department* ~~division~~ shall revoke a certificate of election to be exempt from coverage upon a determination by the *department* ~~division~~ that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the names of the sole proprietorship, partnership, or corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new sole proprietorship, partnership, or corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, a sole proprietor, partner, or officer who is a subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the *department* ~~division~~, the *department* ~~division~~ shall notify the workers' compensation carriers identified in the request for exemption.

(4) The notice of election to be exempt from the provisions of this chapter must contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive the *department* ~~division~~ or any employer or employee, insurance company, or purposes program, files a notice of election to be exempt containing any false or misleading information is guilty of a felony of the third degree." Each person filing a notice of election to be exempt shall personally sign the notice and attest that he or she has reviewed, understands, and acknowledges the foregoing notice.

(5) A notice given under subsection (1), subsection (2), or subsection (3) shall become effective when issued by the *department* ~~division~~ or 30 days after an application for an exemption is received by the *department* ~~division~~, whichever occurs first. However, if an accident or occupational disease occurs less than 30 days after the effective date of the insurance policy under which the payment of compensation is secured or the date the employer qualified as a self-insurer, such notice is effective as of 12:01 a.m. of the day following the date it is mailed to the *department* ~~division~~ in Tallahassee.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the *department* ~~division~~. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. Any person who has received from the *department* ~~division~~ a construction industry certificate of election to be exempt which is in effect on December 31, 1998, shall file a new notice of election to be exempt by the last day in his or her birth month following December 1, 1998. A construction industry certificate of election to be exempt may be revoked before its expiration by the sole proprietor, partner, or officer for whom it was issued or by the *department* ~~division~~ for the reasons stated in this section. At least 60 days prior to the expiration date of a construction industry certificate of exemption issued after December 1, 1998, the *department* ~~division~~ shall send notice of the expiration date and an application for renewal to the certificateholder at the address on the certificate.

(7) Any contractor responsible for compensation under s. 440.10 may register in writing with the workers' compensation carrier for any sub-

contractor and shall thereafter be entitled to receive written notice from the carrier of any cancellation or nonrenewal of the policy.

(8)(a) The *department* ~~division~~ must assess a fee of $50 with each request for a construction industry certificate of election to be exempt or renewal of election to be exempt under this section.

(b) The funds collected by the *department* ~~division~~ shall be used to administer this section, to audit the businesses that pay the fee for compliance with any requirements of this chapter, and to enforce compliance with the provisions of this chapter.

(9) The *department* ~~division~~ may by rule prescribe forms and procedures for filing an election of exemption, revocation of election to be exempt, and notice of election of coverage for all employers and require specified forms to be submitted by all employers in filing for the election of exemption. The *department* ~~division~~ may by rule prescribe forms and procedures for issuing a certificate of the election of exemption.

Section 9. Paragraph (d) of subsection (7) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(7)

(d) The *department* ~~division~~ shall provide by rule for the authorization and regulation of drug-testing policies, procedures, and methods. Testing of injured employees shall not commence until such rules are adopted.

Section 10. Paragraphs (f) and (g) of subsection (1) of section 440.10, Florida Statutes, are amended to read:

440.10 Liability for compensation.—

(1)

(f) If an employer willfully fails to secure compensation as required by this chapter, the *department* ~~division~~ may assess against the employer a penalty not to exceed $5,000 for each employee of that employer who is classified by the employer as an independent contractor but who is found by the *department* ~~division~~ to not meet the criteria for an independent contractor that are set forth in s. 440.02.

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if:

1. The independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02(14)(d); and

2. The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the *department* ~~division~~.

A sole proprietor, partner, or officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under this chapter. An independent contractor who provides the general contractor with both an affidavit stating that he or she meets the requirements of s. 440.02(14)(d) and a certificate of exemption is not an employee under s. 440.02(14)(c) and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.

Section 11. Subsection (2), paragraph (a) of subsection (3), and paragraph (g) of subsection (7) of section 440.102, Florida Statutes, are amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(2) DRUG TESTING.—An employer may test an employee or job applicant for any drug described in paragraph (1)(c). In order to qualify as having established a drug-free workplace program which affords an employer the ability to qualify for the discounts provided under s. 627.0915 and deny medical and indemnity benefits, under this chapter all drug testing conducted by employers shall be in conformity with the standards and procedures established in this section and all applicable rules adopted pursuant to this section. However, an employer does not have a legal duty under this section to request an employee or job applicant to undergo drug testing. If an employer fails to maintain a drug-free workplace program in accordance with the standards and procedures established in this section and in applicable rules, the employer shall not be eligible for discounts under s. 627.0915. All employers qualifying for and receiving discounts provided under s. 627.0915 must be reported annually by the insurer to the *department* ~~division~~.

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation ~~of the Department of Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(7) EMPLOYER PROTECTION.—

(g) This section does not prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by any

statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or testing is limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests. Such screening or testing need not be in compliance with the rules adopted by the Agency for Health Care Administration under this chapter or under s. 112.0455. A public employer may, through the use of an unbiased selection procedure, conduct random drug tests of employees occupying safety-sensitive or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the Department of *Insurance* ~~Labor and Employment Security~~. If applicable, random drug testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented.

Section 12. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy.—Except as otherwise provided in this chapter, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the division *or the department*, or a copy of the employer's authority to self-insure and shall be presented each time the employer applies for a building permit. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed by the Department of Insurance. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 13. Paragraph (a) of subsection (2) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(2) Whoever violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(a) It shall be unlawful for any employer to knowingly:

1. Coerce or attempt to coerce, as a precondition to employment or otherwise, an employee to obtain a certificate of election of exemption pursuant to s. 440.05.

2. Discharge or refuse to hire an employee or job applicant because the employee or applicant has filed a claim for benefits under this chapter.

3. Discharge, discipline, or take any other adverse personnel action against any employee for disclosing information to the *department* ~~division~~ or any law enforcement agency relating to any violation or suspected violation of any of the provisions of this chapter or rules promulgated hereunder.

4. Violate a stop-work order issued by the *department* ~~division~~ pursuant to s. 440.107.

Section 14. Subsections (3) and (4) of section 440.106, Florida Statutes, are amended to read:

440.106 Civil remedies; administrative penalties.—

(3) Whenever any group or individual self-insurer, carrier, rating bureau, or agent or other representative of any carrier or rating bureau is determined to have violated s. 440.105, the department ~~of Insurance~~ may revoke or suspend the authority or certification of any group or individual self-insurer, carrier, agent, or broker.

(4) The *department* ~~division~~ shall report any contractor determined in violation of requirements of this chapter to the appropriate state licensing board for disciplinary action.

Section 15. Section 440.107, Florida Statutes, is amended to read:

440.107 *Department* ~~Division~~ powers to enforce employer compliance with coverage requirements.—

(1) The Legislature finds that the failure of an employer to comply with the workers' compensation coverage requirements under this chapter poses an immediate danger to public health, safety, and welfare. The Legislature authorizes the *department* ~~division~~ to secure employer compliance with the workers' compensation coverage requirements and authorizes the *department* ~~division~~ to conduct investigations for the purpose of ensuring employer compliance.

(2) The *department* ~~division~~ and its authorized representatives may enter and inspect any place of business at any reasonable time for the limited purpose of investigating compliance with workers' compensation coverage requirements under this chapter. Each employer shall keep true and accurate business records that contain such information as the *department* ~~division~~ prescribes by rule. The business records must contain information necessary for the *department* ~~division~~ to determine compliance with workers' compensation coverage requirements and must be maintained within this state by the business, in such a manner as to be accessible within a reasonable time upon request by the *department* ~~division~~. The business records must be open to inspection and be available for copying by the *department* ~~division~~ at any reasonable time and place and as often as necessary. The *department* ~~division~~ may require from any employer any sworn or unsworn reports, pertaining to persons employed by that employer, deemed necessary for the effective administration of the workers' compensation coverage requirements.

(3) In discharging its duties, the *department* ~~division~~ may administer oaths and affirmations, certify to official acts, issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary by the *department* ~~division~~ as evidence in order to ensure proper compliance with the coverage provisions of this chapter.

(4) If a person has refused to obey a subpoena to appear before the *department* ~~division~~ or its authorized representative and produce evidence requested by the *department* ~~division~~ or to give testimony about the matter that is under investigation, a court has jurisdiction to issue an order requiring compliance with the subpoena if the court has jurisdiction in the geographical area where the inquiry is being carried on or in the area where the person who has refused the subpoena is found, resides, or transacts business. Failure to obey such a court order may be punished by the court as contempt.

(5) Whenever the *department* ~~division~~ determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to do so, such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the *department* ~~division~~ of a stop-work order on the employer, requiring the cessation of all business operations at the place of employment or job site. The order shall take effect upon the date of service upon the employer, unless the employer provides evidence satisfactory to the *department* ~~division~~ of having secured any necessary insurance or self-insurance and pays a civil penalty to the *department* ~~division~~, to be deposited by the *department* ~~division~~ into the Workers' Compensation Administration Trust Fund, in the amount of $100 per day for each day the employer was not in compliance with this chapter.

(6) The *department* ~~division~~ may file a complaint in the circuit court in and for Leon County to enjoin any employer, who has failed to secure compensation as required by this chapter, from employing individuals and from conducting business until the employer presents evidence satisfactory to the *department* ~~division~~ of having secured payment for compensation and pays a civil penalty to the *department* ~~division~~, to be deposited by the *department* ~~division~~ into the Workers' Compensation Administration Trust Fund, in the amount of $100 per day for each day the employer was not in compliance with this chapter.

(7) In addition to any penalty, stop-work order, or injunction, the *department* ~~division~~ may assess against any employer, who has failed to secure the payment of compensation as required by this chapter, a penalty in the amount of:

(a) Twice the amount the employer would have paid during periods it illegally failed to secure payment of compensation in the preceding 3-year period based on the employer's payroll during the preceding 3-year period; or

(b) One thousand dollars, whichever is greater.

Any penalty assessed under this subsection is due within 30 days after the date on which the employer is notified, except that, if the *department* ~~division~~ has posted a stop-work order or obtained injunctive relief against the employer, payment is due, in addition to those conditions set forth in this section, as a condition to relief from a stop-work order or an injunction. Interest shall accrue on amounts not paid when due at the rate of 1 percent per month.

(8) The *department* ~~division~~ may bring an action in circuit court to recover penalties assessed under this section, including any interest owed to the *department* ~~division~~ pursuant to this section. In any action brought by the *department* ~~division~~ pursuant to this section in which it prevails, the circuit court shall award costs, including the reasonable costs of investigation and a reasonable attorney's fee.

(9) Any judgment obtained by the *department* ~~division~~ and any penalty due pursuant to the service of a stop-work order or otherwise due under this section shall, until collected, constitute a lien upon the entire interest of the employer, legal or equitable, in any property, real or personal, tangible or intangible; however, such lien is subordinate to claims for unpaid wages and any prior recorded liens, and a lien created by this section is not valid against any person who, subsequent to such lien and in good faith and for value, purchases real or personal property from such employer or becomes the mortgagee on real or personal property of such employer, or against a subsequent attaching creditor, unless, with respect to real estate of the employer, a notice of the lien is recorded in the public records of the county where the real estate is located, and with respect to personal property of the employer, the notice is recorded with the Secretary of State.

(10) Any law enforcement agency in the state may, at the request of the *department* ~~division~~, render any assistance necessary to carry out the provisions of this section, including, but not limited to, preventing any employee or other person from remaining at a place of employment or job site after a stop-work order or injunction has taken effect.

(11) Actions by the *department* ~~division~~ under this section must be contested as provided in chapter 120. All civil penalties assessed by the *department* ~~division~~ must be paid into the Workers' Compensation Administration Trust Fund. The *department* ~~division~~ shall return any sums previously paid, upon conclusion of an action, if the *department* ~~division~~ fails to prevail and if so directed by an order of court or an administrative hearing officer. The requirements of this subsection may be met by posting a bond in an amount equal to twice the penalty and in a form approved by the *department* ~~division~~.

Section 16. Subsection (1) of section 440.108, Florida Statutes, is amended to read:

440.108 Investigatory records relating to workers' compensation employer compliance; confidentiality.—

(1) All investigatory records of the *department* ~~Division of Workers' Compensation~~ made or received pursuant to s. 440.107 and any records necessary to complete an investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by the *department* ~~division~~ with a reasonable, *good-faith* ~~good faith~~ belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the agency is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the agency or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, records relating to the investigation remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure would:

(a) Jeopardize the integrity of another active investigation;

(b) Reveal a trade secret, as defined in s. 688.002;

(c) Reveal business or personal financial information;

(d) Reveal the identity of a confidential source;

(e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

(f) Reveal investigative techniques or procedures.

Section 17. Section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

(1) Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the *department, agency, or Department of Education* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter.

(2) The Legislature finds that it is a public necessity that an injured employee's medical records and medical reports and information identifying the employee in medical bills held by the *department, agency, or Department of Education* ~~Division of Workers' Compensation~~ pursuant to s. 440.13 be confidential and exempt from the public records law. Public access to such information is an invasion of the injured employee's right to privacy in that personal, sensitive information would be revealed, and public knowledge of such information could lead to discrimination against the employee by coworkers and others. Additionally, there is little utility in providing public access to such information in that the effectiveness and efficiency of the workers' compensation program can be otherwise adequately monitored and evaluated.

(3) The department may share any confidential and exempt information received pursuant to s. 440.13 with the Agency for Health Care Administration in furtherance of the agency's official duties under ss. 440.13 and 440.134. The agency shall maintain the confidential and exempt status of the information.

Section 18. Section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

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

(a) "Alternate medical care" means a change in treatment or health care provider.

(b) "Attendant care" means care rendered by trained professional attendants which is beyond the scope of household duties. Family members may provide nonprofessional attendant care, but may not be compensated under this chapter for care that falls within the scope of household duties and other services normally and gratuitously provided by family members. "Family member" means a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt, or uncle.

(c) "Carrier" means, for purposes of this section, insurance carrier, self-insurance fund or individually self-insured employer, or assessable mutual insurer.

(d) "Catastrophic injury" means an injury as defined in s. 440.02.

(e) "Certified health care provider" means a health care provider who has been certified by the *agency* ~~division~~ or who has entered an agreement with a licensed managed care organization to provide treatment to injured workers under this section. Certification of such health care provider must include documentation that the health care provider has read and is familiar with the portions of the statute, impairment guides, and rules which govern the provision of remedial treatment, care, and attendance.

(f) "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment.

(g) "Emergency services and care" means emergency services and care as defined in s. 395.002.

(h) "Health care facility" means any hospital licensed under chapter 395 and any health care institution licensed under chapter 400.

(i) "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under

the supervision or direction of a physician and who has been certified by the *agency* ~~division~~ as a health care provider. The term "health care provider" includes a health care facility.

(j) "Independent medical examiner" means a physician selected by either an employee or a carrier to render one or more independent medical examinations in connection with a dispute arising under this chapter.

(k) "Independent medical examination" means an objective evaluation of the injured employee's medical condition, including, but not limited to, impairment or work status, performed by a physician or an expert medical advisor at the request of a party, a judge of compensation claims, or the *agency* ~~division~~ to assist in the resolution of a dispute arising under this chapter.

(l) "Instance of overutilization" means a specific inappropriate service or level of service provided to an injured employee.

(m) "Medically necessary" means any medical service or medical supply which is used to identify or treat an illness or injury, is appropriate to the patient's diagnosis and status of recovery, and is consistent with the location of service, the level of care provided, and applicable practice parameters. The service should be widely accepted among practicing health care providers, based on scientific criteria, and determined to be reasonably safe. The service must not be of an experimental, investigative, or research nature, except in those instances in which prior approval of the Agency for Health Care Administration has been obtained. The Agency for Health Care Administration shall adopt rules providing for such approval on a case-by-case basis when the service or supply is shown to have significant benefits to the recovery and well-being of the patient.

(n) "Medicine" means a drug prescribed by an authorized health care provider and includes only generic drugs or single-source patented drugs for which there is no generic equivalent, unless the authorized health care provider writes or states that the brand-name drug as defined in s. 465.025 is medically necessary, or is a drug appearing on the schedule of drugs created pursuant to s. 465.025(6), or is available at a cost lower than its generic equivalent.

(o) "Palliative care" means noncurative medical services that mitigate the conditions, effects, or pain of an injury.

(p) "Pattern or practice of overutilization" means repetition of instances of overutilization within a specific medical case or multiple cases by a single health care provider.

(q) "Peer review" means an evaluation by two or more physicians licensed under the same authority and with the same or similar specialty as the physician under review, of the appropriateness, quality, and cost of health care and health services provided to a patient, based on medically accepted standards.

(r) "Physician" or "doctor" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the *agency* ~~division~~ as a health care provider.

(s) "Reimbursement dispute" means any disagreement between a health care provider or health care facility and carrier concerning payment for medical treatment.

(t) "Utilization control" means a systematic process of implementing measures that assure overall management and cost containment of services delivered.

(u) "Utilization review" means the evaluation of the appropriateness of both the level and the quality of health care and health services provided to a patient, including, but not limited to, evaluation of the appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. Such evaluation must be accomplished by means of a system that identifies the utilization of medical services based on medically accepted standards as established by medical consultants with qualifications similar to those providing the care under review, and that refers patterns and practices of overutilization to the *agency* ~~division~~.

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or Joint Commission on the Accreditation of Health Organizations or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Each facility shall maintain outcome data, including work status at discharges, total program charges, total number of visits, and length of stay. ~~The department shall utilize such data and report to the President of the Senate and the Speaker of the House of Representatives regarding the efficacy and cost-effectiveness of such program, no later than October 1, 1994.~~ Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 18 treatments or rendered 8 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

(b) The employer shall provide appropriate professional or nonprofessional attendant care performed only at the direction and control of a physician when such care is medically necessary. The value of nonprofessional attendant care provided by a family member must be determined as follows:

1. If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's former employment, not to exceed the per-hour value of such care available in the community at large. A family member or a combination of family members providing nonprofessional attendant care under this paragraph may not be compensated for more than a total of 12 hours per day.

(c) If the employer fails to provide treatment or care required by this section after request by the injured employee, the employee may obtain such treatment at the expense of the employer, if the treatment is compensable and medically necessary. There must be a specific request for the treatment, and the employer or carrier must be given a reasonable time period within which to provide the treatment or care. However, the employee is not entitled to recover any amount personally expended for the treatment or service unless he or she has requested the employer to furnish that treatment or service and the employer has failed, refused, or neglected to do so within a reasonable time or unless the nature of the injury requires such treatment, nursing, and services and the employer or his or her superintendent or foreman, having knowledge of the injury, has neglected to provide the treatment or service.

(d) The carrier has the right to transfer the care of an injured employee from the attending health care provider if an independent medical examination determines that the employee is not making appropriate progress in recuperation.

(e) Except in emergency situations and for treatment rendered by a managed care arrangement, after any initial examination and diagnosis by a physician providing remedial treatment, care, and attendance, and before a proposed course of medical treatment begins, each insurer shall review, in accordance with the requirements of this chapter, the proposed course of treatment, to determine whether such treatment would be recognized as reasonably prudent. The review must be in accordance with all applicable workers' compensation practice parameters. The insurer must accept any such proposed course of treatment unless the insurer notifies the physician of its specific objections to the proposed course of treatment by the close of the tenth business day after notification by the physician, or a supervised designee of the physician, of the proposed course of treatment.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The *agency* ~~division~~ shall adopt rules to implement the certification of health care providers. As a one-time prerequisite to obtaining certification, the *agency* ~~division~~ shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the *agency* ~~division~~ governing the physician's field of practice. The *agency* ~~division~~ shall coordinate with ~~the Agency for Health Care Administration,~~ the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the Agency for Health Care Administration in complying with this subsection. ~~No later than October 1, 1994, the division shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.~~

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the *agency* ~~division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the *agency* ~~division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the *agency* ~~division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the *agency* ~~division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 456.053 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the *agency* ~~division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical advisor has determined that the consultation or procedure is not medically necessary or otherwise compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this chapter. It is expressly forbidden for the *agency* ~~division~~, an employer, or a carrier, or any agent or representative of the *agency* ~~division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH *DEPARTMENT* ~~DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the *department in consultation with the agency* ~~division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the *department in consultation with the agency* ~~division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the *department* ~~division~~.

(b) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment or care of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the *department* ~~Division of Workers' Compensation~~ pursuant to rules adopted by the *department in consultation with the agency* ~~division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the *department* ~~division~~ for the copies. Each such health care provider shall provide to the *agency or department* ~~division~~ any additional information about the remedial treatment, care, and attendance that the *agency or department* ~~division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 456.057 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the *agency* ~~division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;

2. The examiner ceases to practice in the specialty relevant to the employee's condition;

3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or

4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of *an agency* ~~a division~~ medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency* ~~division~~, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency* ~~division~~, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency* ~~division~~.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency* ~~division~~ to resolve the dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency* ~~division~~ results in dismissal of the petition.

(b) The carrier must submit to the *agency* ~~division~~ within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the requested documentation to the *agency* ~~division~~ within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency* ~~division~~ must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency* ~~division~~ must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency* ~~division~~ finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency* ~~division~~ shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency* ~~division~~:

1. Repayment of the appropriate amount to the health care provider.

2. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of improperly disallowing or reducing payments.

3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency* ~~division~~ all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency* ~~division~~ shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency* ~~division~~ determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~, it may impose one or more of the following penalties:

1. An order of the *agency* ~~division~~ barring the provider from payment under this chapter;

2. Deauthorization of care under review;

3. Denial of payment for care rendered in the future;

4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;

5. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of overutilization or violation; and

6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency* ~~division~~ shall certify expert medical advisors in each specialty to assist the *agency* ~~division~~ and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency* ~~division~~ shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency* ~~division~~ shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The *agency* ~~division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the *agency* ~~division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the *agency* ~~division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the *agency* ~~division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and recommendations for submission to the *agency* ~~division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the *agency* ~~division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the *agency* ~~division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the *agency* ~~division~~ and to any officer, employee, or agent of any entity with which the *agency* ~~division~~ has contracted under this subsection.

(f) If the *agency* ~~division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the *agency* ~~division~~. The *agency* ~~division~~ may assess a penalty not to exceed $500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(10) WITNESS FEES.—Any health care provider who gives a deposition shall be allowed a witness fee. The amount charged by the witness may not exceed $200 per hour. An expert witness who has never provided direct professional services to a party but has merely reviewed medical records and provided an expert opinion or has provided only direct professional services that were unrelated to the workers' compensation case may not be allowed a witness fee in excess of $200 per day.

(11) AUDITS BY *AGENCY FOR HEALTH CARE ADMINISTRATION* ~~DIVISION~~; JURISDICTION.—

(a) The *Agency for Health Care Administration* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the *agency* ~~division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the *agency* ~~division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with *agency* ~~division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The *agency* ~~division~~ may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the *agency* ~~division~~ or carrier.

(b) The *department* ~~division~~ shall monitor and audit carriers*, as provided in s. 624.3161,* to determine if medical bills are paid in accordance with this section and *department* ~~division~~ rules. ~~Any employer, if self-insured, or carrier found by the division not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90 percent compliance.~~ The *department* ~~division~~ shall fine *or otherwise discipline* an employer or carrier, pursuant to *this chapter, the insurance code, or* rules adopted by the *department* ~~division, for each late payment of compensation that is below the minimum 90-percent performance standard. Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical bill review program approved by the division, and the carrier is subject to disciplinary action by the Department of Insurance~~.

(c) The *agency* ~~division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following *agency* ~~division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the *agency* ~~division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the *agency* ~~division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, *the per diem rate for hospital inpatient stay,* or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance pro-

vided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.4001, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency* ~~division~~ shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

(a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;

(b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;

(c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;

(d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;

(e) Refused to appear before, or to answer upon request of, the *agency* ~~division~~ or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;

(f) Self-referred in violation of this chapter or other laws of this state; or

(g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~.

(14) PAYMENT OF MEDICAL FEES.—

(a) Except for emergency care treatment, fees for medical services are payable only to a health care provider certified and authorized to render remedial treatment, care, or attendance under this chapter. A health care provider may not collect or receive a fee from an injured employee within this state, except as otherwise provided by this chapter. Such providers have recourse against the employer or carrier for payment for services rendered in accordance with this chapter.

(b) Fees charged for remedial treatment, care, and attendance may not exceed the applicable fee schedules adopted under this chapter.

(c) Notwithstanding any other provision of this chapter, following overall maximum medical improvement from an injury compensable under this chapter, the employee is obligated to pay a copayment of $10 per visit for medical services. The copayment shall not apply to emergency care provided to the employee.

(15) PRACTICE PARAMETERS.—

(a) The Agency for Health Care Administration, in conjunction with the *department* ~~division~~ and appropriate health professional associations and health-related organizations shall develop and may adopt by rule scientifically sound practice parameters for medical procedures relevant to workers' compensation claimants. Practice parameters developed under this section must focus on identifying effective remedial treatments and promoting the appropriate utilization of health care resources. Priority must be given to those procedures that involve the greatest utilization of resources either because they are the most costly or because they are the most frequently performed. Practice parameters for treatment of the 10 top procedures associated with workers' compensation injuries including the remedial treatment of lower-back injuries must be developed by December 31, 1994.

(b) The guidelines may be initially based on guidelines prepared by nationally recognized health care institutions and professional organizations but should be tailored to meet the workers' compensation goal of returning employees to full employment as quickly as medically possible, taking into consideration outcomes data collected from managed care providers and any other inpatient and outpatient facilities serving workers' compensation claimants.

(c) Procedures must be instituted which provide for the periodic review and revision of practice parameters based on the latest outcomes data, research findings, technological advancements, and clinical experiences, at least once every 3 years.

(d) Practice parameters developed under this section must be used by carriers and the *agency* ~~division~~ in evaluating the appropriateness and overutilization of medical services provided to injured employees.

Section 19. Subsection (23) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(23) The agency shall immediately notify the Department of Insurance ~~and the Department of Labor and Employment Security~~ whenever it issues an administrative complaint or an order or otherwise initiates legal proceedings resulting in, or which may result in, suspension or revocation of an insurer's authorization.

Section 20. Subsection (3) of section 440.14, Florida Statutes, is amended to read:

440.14 Determination of pay.—

(3) The *department* ~~division~~ shall establish by rule a form which shall contain a simplified checklist of those items which may be included as "wage" for determining the average weekly wage.

Section 21. Section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(a) In case of total disability adjudged to be permanent, 66⅔ percent of the average weekly wages shall be paid to the employee during the continuance of such total disability.

(b) Only a catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. Only claimants with catastrophic injuries are eligible for permanent total benefits. In no other case may permanent total disability be awarded.

(c) In cases of permanent total disability resulting from injuries that occurred prior to July 1, 1955, such payments shall not be made in excess of 700 weeks.

(d) If an employee who is being paid compensation for permanent total disability becomes rehabilitated to the extent that she or he establishes an earning capacity, the employee shall be paid, instead of the compensation provided in paragraph (a), benefits pursuant to subsection (3). The *department* ~~division~~ shall adopt rules to enable a permanently and totally disabled employee who may have reestablished an earning capacity to undertake a trial period of reemployment without prejudicing her or his return to permanent total status in the case that such employee is unable to sustain an earning capacity.

(e)1. The employer's or carrier's right to conduct vocational evaluations or testing pursuant to s. 440.491 continues even after the employee has been accepted or adjudicated as entitled to compensation under this chapter. This right includes, but is not limited to, instances in which such evaluations or tests are recommended by a treating physician or independent medical-examination physician, instances warranted by a change in the employee's medical condition, or instances in which the employee appears to be making appropriate progress in recuperation. This right may not be exercised more than once every calendar year.

2. The carrier must confirm the scheduling of the vocational evaluation or testing in writing, and must notify employee's counsel, if any, at least 7 days before the date on which vocational evaluation or testing is scheduled to occur.

3. Pursuant to an order of the judge of compensation claims, the employer or carrier may withhold payment of benefits for permanent total disability or supplements for any period during which the employee willfully fails or refuses to appear without good cause for the scheduled vocational evaluation or testing.

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. ss. 402 and 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The *department* ~~division~~ shall provide by rule for the periodic reporting to the *department* ~~division~~ of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the *department* ~~division~~ nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the *department* ~~division~~ in the manner prescribed by such rules.

b. The *department* ~~division~~ shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(2) TEMPORARY TOTAL DISABILITY.—

(a) In case of disability total in character but temporary in quality, 66⅔ percent of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed 104 weeks except as provided in this subsection, s. 440.12(1), and s. 440.14(3). Once the employee reaches the maximum number of weeks allowed, or the employee reaches the date of maximum medical improvement, whichever occurs earlier, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined.

(b) Notwithstanding the provisions of paragraph (a), an employee who has sustained the loss of an arm, leg, hand, or foot, has been rendered a paraplegic, paraparetic, quadriplegic, or quadriparetic, or has lost the sight of both eyes shall be paid temporary total disability of 80 percent of her or his average weekly wage. The increased temporary total disability compensation provided for in this paragraph must not extend beyond 6 months from the date of the accident. The compensation provided by this paragraph is not subject to the limits provided in s. 440.12(2), but instead is subject to a maximum weekly compensation rate of $700. If, at the conclusion of this period of increased temporary total disability compensation, the employee is still temporarily totally disabled, the employee shall continue to receive temporary total disability compensation as set forth in paragraphs (a) and (c). The period of time the employee has received this increased compensation will be counted as part of, and not in addition to, the maximum periods of time for which the employee is entitled to compensation under paragraph (a) but not paragraph (c).

(c) Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.49(1). Notwithstanding s. 440.02(9), the date of maximum medical improvement for purposes of paragraph (3)(b) shall be no earlier than the last day for which such temporary disability benefits are paid.

(d) The *department* ~~division~~ shall, by rule, provide for the periodic reporting to the *department* ~~division~~, employer, or carrier of all earned income, including income from social security, by the injured employee who is entitled to or claiming benefits for temporary total disability. The employer or carrier is not required to make any payment of benefits for temporary total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by the rules. The rule must require the claimant to personally sign the claim form and attest that she or he has reviewed, understands, and acknowledges the foregoing.

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the *department* ~~division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the

adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by *department* ~~division~~ rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the *department* ~~division~~, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the *department by rule* ~~division~~. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The *department* ~~division~~ may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(b) Supplemental benefits.—

1. All supplemental benefits must be paid in accordance with this subsection. An employee is entitled to supplemental benefits as provided in this paragraph as of the expiration of the impairment period, if:

a. The employee has an impairment rating from the compensable injury of 20 percent or more as determined pursuant to this chapter;

b. The employee has not returned to work or has returned to work earning less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment; and

c. The employee has in good faith attempted to obtain employment commensurate with the employee's ability to work.

2. If an employee is not entitled to supplemental benefits at the time of payment of the final weekly impairment income benefit because the employee is earning at least 80 percent of the employee's average weekly wage, the employee may become entitled to supplemental benefits at any time within 1 year after the impairment income benefit period ends if:

a. The employee earns wages that are less than 80 percent of the employee's average weekly wage for a period of at least 90 days;

b. The employee meets the other requirements of subparagraph 1.; and

c. The employee's decrease in earnings is a direct result of the employee's impairment from the compensable injury.

3. If an employee earns wages that are at least 80 percent of the employee's average weekly wage for a period of at least 90 days during which the employee is receiving supplemental benefits, the employee ceases to be entitled to supplemental benefits for the filing period. Supplemental benefits that have been terminated shall be reinstated when the employee satisfies the conditions enumerated in subparagraph 2. and files the statement required under subparagraph 5. Notwithstanding any other provision, if an employee is not entitled to supplemental benefits for 12 consecutive months, the employee ceases to be entitled to any additional income benefits for the compensable injury. If the employee is discharged within 12 months after losing entitlement under this subsection, benefits may be reinstated if the employee was discharged at that time with the intent to deprive the employee of supplemental benefits.

~~4. During the period that impairment income benefits or supplemental income benefits are being paid, the carrier has the affirmative duty to determine at least annually whether any extended unemployment or underemployment is a direct result of the employee's impairment. To accomplish this purpose, the division may require periodic reports from the employee and the carrier, and it may, at the carrier's expense, require any physical or other examinations, vocational assessments, or other tests or diagnoses necessary to verify that the carrier is performing its duty. Not more than once in each 12 calendar months, the employee and the carrier may each request that the division review the status of the employee and determine whether the carrier has performed its duty with respect to whether the employee's unemployment or underemployment is a direct result of impairment from the compensable injury.~~

4.~~5.~~ After the initial determination of supplemental benefits, the employee must file a statement with the carrier stating that the employee has earned less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment, stating the amount of wages the employee earned in the filing period, and stating that the employee has in good faith sought employment commensurate with the employee's ability to work. The statement must be filed quarterly on a form and in the manner prescribed by the *department* ~~division~~. The *department* ~~division~~ may modify the filing period as appropriate to an individual case. Failure to file a statement relieves the carrier of liability for supplemental benefits for the period during which a statement is not filed.

5.~~6.~~ The carrier shall begin payment of supplemental benefits not later than the seventh day after the expiration date of the impairment income benefit period and shall continue to timely pay those benefits. The carrier may request a mediation conference for the purpose of contesting the employee's entitlement to or the amount of supplemental income benefits.

6.~~7.~~ Supplemental benefits are calculated quarterly and paid monthly. For purposes of calculating supplemental benefits, 80 percent of the employee's average weekly wage and the average wages the employee has earned per week are compared quarterly. For purposes of this paragraph, if the employee is offered a bona fide position of employment that the employee is capable of performing, given the physical condition of the employee and the geographic accessibility of the position, the employee's weekly wages are considered equivalent to the weekly wages for the position offered to the employee.

7.~~8.~~ Supplemental benefits are payable at the rate of 80 percent of the difference between 80 percent of the employee's average weekly wage determined pursuant to s. 440.14 and the weekly wages the employee has earned during the reporting period, not to exceed the maximum weekly income benefit under s. 440.12.

8.~~9.~~ The *department* ~~division~~ may by rule define terms that are necessary for the administration of this section and forms and procedures governing the method of payment of supplemental benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(c) Duration of temporary impairment and supplemental income benefits.—The employee's eligibility for temporary benefits, impairment income benefits, and supplemental benefits terminates on the expiration of 401 weeks after the date of injury.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, compensation shall be equal to 80 percent of the difference between 80 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn, as compared weekly; however, the weekly benefits may not exceed an amount equal to 66⅔ percent of the employee's average weekly wage at the time of injury. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn, the *department* ~~division~~ may by rule provide for the modification of the weekly comparison so as to coincide as closely as possible with the injured worker's pay periods. The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment.

(b) Such benefits shall be paid during the continuance of such disability, not to exceed a period of 104 weeks, as provided by this subsection and subsection (2). Once the injured employee reaches the maximum number of weeks, temporary disability benefits cease and the injured worker's permanent impairment must be determined. The *department* ~~division~~ may by rule specify forms and procedures governing the method of payment of temporary disability benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(5) SUBSEQUENT INJURY.—

(a) The fact that an employee has suffered previous disability, impairment, anomaly, or disease, or received compensation therefor, shall not preclude her or him from benefits for a subsequent aggravation or acceleration of the preexisting condition nor preclude benefits for death resulting therefrom, except that no benefits shall be payable if the employee, at the time of entering into the employment of the employer by whom the benefits would otherwise be payable, falsely represents herself or himself in writing as not having previously been disabled or compensated because of such previous disability, impairment, anomaly, or disease and the employer detrimentally relies on the misrepresentation. Compensation for temporary disability, medical benefits, and wage-loss benefits shall not be subject to apportionment.

(b) If a compensable permanent impairment, or any portion thereof, is a result of aggravation or acceleration of a preexisting condition, or is the result of merger with a preexisting impairment, an employee eligible to receive impairment benefits under paragraph (3)(a) shall receive such benefits for the total impairment found to result, excluding the degree of impairment existing at the time of the subject accident or injury or which would have existed by the time of the impairment rating without the intervention of the compensable accident or injury. The degree of permanent impairment attributable to the accident or injury shall be compensated in accordance with paragraph (3)(a). As used in this paragraph, "merger" means the combining of a preexisting permanent impairment with a subsequent compensable permanent impairment which, when the effects of both are considered together, result in a permanent impairment rating which is greater than the sum of the two permanent impairment ratings when each impairment is considered individually.

(6) OBLIGATION TO REHIRE.—If the employer has not in good faith made available to the employee, within a 100-mile radius of the employee's residence, work appropriate to the employee's physical limitations within 30 days after the carrier notifies the employer of maximum medical improvement and the employee's physical limitations, the employer shall pay to the *department* ~~division~~ for deposit into the Workers' Compensation Administration Trust Fund a fine of $250 for every $5,000 of the employer's workers' compensation premium or payroll, not to exceed $2,000 per violation, as the *department* ~~division~~ requires by rule. The employer is not subject to this subsection if the employee is receiving permanent total disability benefits or if the employer has 50 or fewer employees.

(7) EMPLOYEE REFUSES EMPLOYMENT.—If an injured employee refuses employment suitable to the capacity thereof, offered to or procured therefor, such employee shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of compensation claims such refusal is justifiable.

(8) EMPLOYEE LEAVES EMPLOYMENT.—If an injured employee, when receiving compensation for temporary partial disability, leaves the employment of the employer by whom she or he was employed at the time of the accident for which such compensation is being paid, the employee shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of her or his new employer, the place of employment, and the amount of wages being received at such new employment; and, until she or he gives such affidavit, the compensation for temporary partial disability will cease. The employer by whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee an additional affidavit in writing containing the name of her or his employer, the place of her or his employment, and the amount of wages she or he is receiving; and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, her or his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(9) EMPLOYEE BECOMES INMATE OF INSTITUTION.—In case an employee becomes an inmate of a public institution, then no compensation shall be payable unless she or he has dependent upon her or him for support a person or persons defined as dependents elsewhere in this chapter, whose dependency shall be determined as if the employee were deceased and to whom compensation would be paid in case of death; and such compensation as is due such employee shall be paid such dependents during the time she or he remains such inmate.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(a) Weekly compensation benefits payable under this chapter for disability resulting from injuries to an employee who becomes eligible for benefits under 42 U.S.C. s. 423 shall be reduced to an amount whereby the sum of such compensation benefits payable under this chapter and such total benefits otherwise payable for such period to the employee and her or his dependents, had such employee not been entitled to benefits under this chapter, under 42 U.S.C. ss. 402 and 423, does not exceed 80 percent of the employee's average weekly wage. However, this provision shall not operate to reduce an injured worker's benefits under this chapter to a greater extent than such benefits would have otherwise been reduced under 42 U.S.C. s. 424(a). This reduction of compensation benefits is not applicable to any compensation benefits payable for any week subsequent to the week in which the injured worker reaches the age of 62 years.

(b) If the provisions of 42 U.S.C. s. 424(a) are amended to provide for a reduction or increase of the percentage of average current earnings that the sum of compensation benefits payable under this chapter and the benefits payable under 42 U.S.C. ss. 402 and 423 can equal, the amount of the reduction of benefits provided in this subsection shall be reduced or increased accordingly. The *department* ~~division~~ may by rule specify forms and procedures governing the method for calculating and administering the offset of benefits payable under this chapter and benefits payable under 42 U.S.C. ss. 402 and 423. The *department* ~~division~~ shall have first priority in taking any available social security offsets on dates of accidents occurring before July 1, 1984.

(c) No disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), shall be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the *department* ~~division~~, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Division of Unemployment Compensation to release

unemployment compensation information relating to her or him, in accordance with rules to be promulgated by the *department* ~~division~~ prescribing the procedure and manner for requesting the authorization and for compliance by the employee. Neither the *department* ~~division~~ nor the employer or carrier shall make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph shall be effective for a period not to exceed 12 months, such authority to be renewable as the *department* ~~division~~ may prescribe by rule.

(d) If compensation benefits are reduced pursuant to this subsection, the minimum compensation provisions of s. 440.12(2) do not apply.

(11) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION.—

(a) No compensation benefits shall be payable for temporary total disability or permanent total disability under this chapter for any week in which the injured employee has received, or is receiving, unemployment compensation benefits.

(b) If an employee is entitled to temporary partial benefits pursuant to subsection (4) and unemployment compensation benefits, such unemployment compensation benefits shall be primary and the temporary partial benefits shall be supplemental only, the sum of the two benefits not to exceed the amount of temporary partial benefits which would otherwise be payable.

(12) FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT OFFICERS.—Any law enforcement officer as defined in s. 943.10(1), (2), or (3) who, while acting within the course of employment as provided by s. 440.091, is maliciously or intentionally injured and who thereby sustains a job-connected disability compensable under this chapter shall be carried in full-pay status rather than being required to use sick, annual, or other leave. Full-pay status shall be granted only after submission to the employing agency's head of a medical report which gives a current diagnosis of the employee's recovery and ability to return to work. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary requirements.

(13) REPAYMENT.—If an employee has received a sum as an indemnity benefit under any classification or category of benefit under this chapter to which she or he is not entitled, the employee is liable to repay that sum to the employer or the carrier or to have that sum deducted from future benefits, regardless of the classification of benefits, payable to the employee under this chapter; however, a partial payment of the total repayment may not exceed 20 percent of the amount of the biweekly payment.

Section 22. Section 440.17, Florida Statutes, is amended to read:

440.17 Guardian for minor or incompetent.—Prior to the filing of a claim, the *department* ~~division~~, and after the filing of a claim, a judge of compensation claims, may require the appointment by a court of competent jurisdiction, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this chapter and to exercise the powers granted to or to perform the duties required of such person under this chapter; however, the judge of compensation claims, in the judge of compensation claims' discretion, may designate in the compensation award a person to whom payment of compensation may be paid for a minor or incompetent, in which event payment to such designated person shall discharge all liability for such compensation.

Section 23. Section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(1) An employee who suffers an injury arising out of and in the course of employment shall advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury. Failure to so advise the employer shall bar a petition under this chapter unless:

(a) The employer or the employer's agent had actual knowledge of the injury;

(b) The cause of the injury could not be identified without a medical opinion and the employee advised the employer within 30 days after obtaining a medical opinion indicating that the injury arose out of and in the course of employment;

(c) The employer did not put its employees on notice of the requirements of this section by posting notice pursuant to s. 440.055; or

(d) Exceptional circumstances, outside the scope of paragraph (a) or paragraph (b) justify such failure.

In the event of death arising out of and in the course of employment, the requirements of this subsection shall be satisfied by the employee's agent or estate. Documents prepared by counsel in connection with litigation, including but not limited to notices of appearance, petitions, motions, or complaints, shall not constitute notice for purposes of this section.

(2) Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier, in a format prescribed by the *department* ~~division~~, and shall provide a copy of such report to the employee or the employee's estate. The report of injury shall contain the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and

(e) Such other information as the *department* ~~division~~ may require.

The carrier shall, within 14 days after the employer's receipt of the form reporting the injury, file the information required by this subsection with the *department* ~~division~~ in Tallahassee. However, the *department* ~~division~~ may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to the job immediately after treatment and resume regular work.

(3) In addition to the requirements of subsection (2), the employer shall notify the *department* ~~division~~ within 24 hours by telephone or telegraph of any injury resulting in death. However, this special notice shall not be required when death results subsequent to the submission to the *department* ~~division~~ of a previous report of the injury pursuant to subsection (2).

(4) Within 3 days after the employer or the employee informs the carrier of an injury the carrier shall mail to the injured worker an informational brochure approved by the *department* ~~division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. Annually, the carrier or its third-party administrator shall mail to the employer an informational brochure approved by the *department* ~~division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. All such informational brochures shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information commits a felony of the third degree."

(5) Additional reports with respect to such injury and of the condition of such employee, including copies of medical reports, funeral expenses, and wage statements, shall be filed by the employer or carrier to the *department* ~~division~~ at such times and in such manner as the *department* ~~division~~ may prescribe by rule. In carrying out ~~its~~ responsibilities under this chapter, the *department and agency* ~~division~~ may by rule provide for the obtaining of any medical records relating to medical

treatment provided pursuant to this chapter, notwithstanding the provisions of ss. 90.503 and 395.3025(4).

(6) In the absence of a stipulation by the parties, reports provided for in subsection (2), subsection (4), or subsection (5) shall not be evidence of any fact stated in such report in any proceeding relating thereto, except for medical reports which, if otherwise qualified, may be admitted at the discretion of the judge of compensation claims.

(7) Every carrier shall file with the *department* ~~division~~ within 21 days after the issuance of a policy or contract of insurance such policy information as the *department* ~~division~~ may require, including notice of whether the policy is a minimum premium policy. Notice of cancellation or expiration of a policy as set out in s. 440.42(3) shall be mailed to the *department* ~~division~~ in accordance with rules *adopted* ~~promulgated~~ by the *department* ~~division~~ under chapter 120.

(8) When a claimant, employer, or carrier has the right, or is required, to mail a report or notice with required copies within the times prescribed in subsection (2), subsection (4), or subsection (5), such mailing will be completed and in compliance with this section if it is postmarked and mailed prepaid to the appropriate recipient prior to the expiration of the time periods prescribed in this section.

(9) Any employer or carrier who fails or refuses to timely send any form, report, or notice required by this section shall be subject to a civil penalty not to exceed $500 for each such failure or refusal. However, any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 days required in subsection (2) shall be liable for the civil penalty, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

(10) The *department* ~~division~~ may by rule prescribe forms and procedures governing the submission of the change in claims administration report and the risk class code and standard industry code report for all lost time and denied lost-time cases. The *department* ~~division~~ may by rule define terms that are necessary for the effective administration of this section.

(11) Any information in a report of injury or illness filed pursuant to this section that would identify an ill or injured employee is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 24. Subsection (1) of section 440.191, Florida Statutes, is amended to read:

440.191 Employee Assistance and Ombudsman Office.—

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the *department's* ~~division's~~ efforts to resolve disagreements between the parties. The *department* ~~division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(b) An Employee Assistance and Ombudsman Office is created within the *department* ~~Division of Workers' Compensation~~ to inform and assist injured workers, employers, carriers, and health care providers in fulfilling their responsibilities under this chapter. The *department* ~~division~~ may by rule specify forms and procedures for administering requests for assistance provided by this section.

(c) The Employee Assistance and Ombudsman Office~~, Division of Workers' Compensation,~~ shall be a resource available to all employees who participate in the workers' compensation system and shall take all steps necessary to educate and disseminate information to employees and employers.

Section 25. Subsections (1) and (8) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall serve by certified mail upon the employer, the employer's carrier, and the *department* ~~division~~ in Tallahassee a petition for benefits that meets the requirements of this section. The *department* ~~division~~ shall refer the petition to the Office of the Judges of Compensation Claims.

(8) Within 14 days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a notice of denial with the *department* ~~division~~. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the notice of denial. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the notice to the filing party, employer, and claimant by certified mail.

Section 26. Subsections (1), (3), and (4) of section 440.1925, Florida Statutes, are amended to read:

440.1925 Procedure for resolving maximum medical improvement or permanent impairment disputes.—

(1) Notwithstanding the limitations on carrier independent medical examinations in s. 440.13, an employee or carrier who wishes to obtain an opinion other than the opinion of the treating physician or *an agency* ~~a division~~ advisor on the issue of permanent impairment may obtain one independent medical examination, except that the employee or carrier who selects the treating physician is not entitled to obtain an alternate opinion on the issue of permanent impairment, unless the parties otherwise agree. This section and s. 440.13(2) do not permit an employee or a carrier to obtain an additional medical opinion on the issue of permanent impairment by requesting an alternate treating physician pursuant to s. 440.13.

(3) Disputes shall be resolved under this section when:

(a) A carrier that is entitled to obtain a determination of an employee's date of maximum medical improvement or permanent impairment has done so;

(b) The independent medical examiner's opinion on the date of the employee's maximum medical improvement and degree or permanent impairment differs from the opinion of the employee's treating physician on either of those issues, or from the opinion of the expert medical advisor appointed by the *agency* ~~division~~ on the degree of permanent impairment; or

(c) The carrier denies any portion of an employee's claim petition for benefits due to disputed maximum medical improvement or permanent impairment issues.

(4) Only opinions of the employee's treating physician, *an agency* ~~a division~~ medical advisor, or an independent medical examiner are admissible in proceedings before a judge of compensation claims to resolve maximum medical improvement or impairment disputes.

Section 27. Subsections (3), (6), (8), (9), (10), (11), (12), (15), (16), and (17) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(3) Upon making payment, or upon suspension or cessation of payment for any reason, the carrier shall immediately notify the *department* ~~division~~ that it has commenced, suspended, or ceased payment of compensation. The *department* ~~division~~ may require such notification in any format *and manner* it deems necessary to obtain accurate and timely reporting.

(6) If any installment of compensation for death or dependency benefits, disability, permanent impairment, or wage loss payable without an

award is not paid within 7 days after it becomes due, as provided in subsection (2), subsection (3), or subsection (4), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent of the unpaid installment or $5, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4) or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 7 days after it became due and the claimant concludes the prosecution of the claim before a judge of compensation claims without having specifically claimed additional compensation in the nature of a penalty under this section, the claimant will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived the right to claim such penalty. However, during the course of a hearing, the judge of compensation claims shall on her or his own motion raise the question of whether such penalty should be awarded or excused. The *department* ~~division~~ may assess without a hearing the punitive penalty against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. The insurance policy cannot provide that this sum will be paid by the carrier if the *department* ~~division~~ or the judge of compensation claims determines that the punitive penalty should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.

(8) In addition to any other penalties provided by this chapter for late payment, if any installment of compensation is not paid when it becomes due, the employer, carrier, or servicing agent shall pay interest thereon at the rate of 12 percent per year from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order. The interest payment shall be the greater of the amount of interest due or $5.

(a) Within 30 days after final payment of compensation has been made, the employer, carrier, or servicing agent shall send to the *department* ~~division~~ a notice, in accordance with a ~~form~~ *format and manner* prescribed by the *department* ~~division~~, stating that such final payment has been made and stating the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid.

(b) If the employer, carrier, or servicing agent fails to so notify the *department* ~~division~~ within such time, the *department* ~~division~~ shall assess against such employer, carrier, or servicing agent a civil penalty in an amount not over $100.

(c) In order to ensure carrier compliance under this chapter *and provisions of the insurance code*, the *department* ~~division~~ shall monitor the performance of carriers *by conducting market conduct examinations, as provided in s. 624.3161, and conducting investigations, as provided in s. 624.317*. The *department* ~~division~~ shall *impose penalties on* ~~establish by rule minimum performance standards for~~ carriers ~~to ensure that a minimum of 90 percent of all compensation benefits are timely paid. The division shall fine a carrier as provided in s. 440.13(11)(b) up to $50~~ for each late payment of compensation *pursuant to s. 624.4211* ~~that is below the minimum 90 percent performance standard~~. This paragraph does not affect the imposition of any penalties or interest due to the claimant. If a carrier contracts with a servicing agent to fulfill its administrative responsibilities under this chapter, the payment practices of the servicing agent are deemed the payment practices of the carrier for the purpose of assessing penalties against the carrier.

(9) The *department* ~~division~~ may upon its own initiative at any time in a case in which payments are being made without an award investigate same and shall, in any case in which the right to compensation is controverted, or in which payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation or from the employer that the right to compensation is controverted or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examination to be made, or hold such hearings, and take such further action as it considers will properly protect the rights of all parties.

(10) Whenever the *department* ~~division~~ deems it advisable, it may require any employer to make a deposit with the Treasurer to secure the prompt and convenient payments of such compensation; and payments therefrom upon any awards shall be made upon order of the *department* ~~division~~ or judge of compensation claims.

(11)(a) Upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the date of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) Upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the *Department of Education* ~~Rehabilitation Section of the Division of Workers' Compensation~~. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be

disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

(12)(a) Liability of an employer for future payments of compensation may not be discharged by advance payment unless prior approval of a judge of compensation claims or the *department* ~~division~~ has been obtained as hereinafter provided. The approval shall not constitute an adjudication of the claimant's percentage of disability.

(b) When the claimant has reached maximum recovery and returned to her or his former or equivalent employment with no substantial reduction in wages, such approval of a reasonable advance payment of a part of the compensation payable to the claimant may be given informally by letter by a judge of compensation claims *or*~~,~~ by the *department* ~~division director, or by the administrator of claims of the division~~.

(c) In the event the claimant has not returned to the same or equivalent employment with no substantial reduction in wages or has suffered a substantial loss of earning capacity or a physical impairment, actual or apparent:

1. An advance payment of compensation not in excess of $2,000 may be approved informally by letter, without hearing, by any judge of compensation claims or the Chief Judge.

2. An advance payment of compensation not in excess of $2,000 may be ordered by any judge of compensation claims after giving the interested parties an opportunity for a hearing thereon pursuant to not less than 10 days' notice by mail, unless such notice is waived, and after giving due consideration to the interests of the person entitled thereto. When the parties have stipulated to an advance payment of compensation not in excess of $2,000, such advance may be approved by an order of a judge of compensation claims, with or without hearing, or informally by letter by any such judge of compensation claims, or by the *department* ~~division director~~, if such advance is found to be for the best interests of the person entitled thereto.

3. When the parties have stipulated to an advance payment in excess of $2,000, subject to the approval of the *department* ~~division~~, such payment may be approved by a judge of compensation claims by order if the judge finds that such advance payment is for the best interests of the person entitled thereto and is reasonable under the circumstances of the particular case. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary concerning the stipulation and, in her or his discretion, may have an investigation of the matter made by the *Department of Education* ~~Rehabilitation Section of the division~~. The stipulation and the report of any investigation shall be deemed a part of the record of the proceedings.

(d) When an application for an advance payment in excess of $2,000 is opposed by the employer or carrier, it shall be heard by a judge of compensation claims after giving the interested parties not less than 10 days' notice of such hearing by mail, unless such notice is waived. In her or his discretion, the judge of compensation claims may have an investigation of the matter made by the *Department of Education* ~~Rehabilitation Section of the division~~, in which event the report and recommendation of that section will be deemed a part of the record of the proceedings. If the judge of compensation claims finds that such advance payment is for the best interests of the person entitled to compensation, will not materially prejudice the rights of the employer and carrier, and is reasonable under the circumstances of the case, she or he may order the same paid. However, in no event may any such advance payment under this paragraph be granted in excess of $7,500 or 26 weeks of benefits in any 48-month period, whichever is greater, from the date of the last advance payment.

(15)(a) The *department* ~~division~~ shall examine on an ongoing basis claims files *in accordance with ss. 624.3161 and 624.310(5)* in order to identify questionable claims-handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by employers, carriers, *and* self-insurers~~, health care providers, health care facilities, training and education providers, or any others~~ providing services to employees pursuant to this chapter ~~and may certify its findings to the Department of Insurance~~. *If the department finds* such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier*,* ~~in the judgment of the division shall be certified in its findings by the division to the Department of Insurance or such other appropriate licensing agency. Such certification by the division is exempt from the provisions of chapter 120. Upon receipt of any such certification,~~ the department ~~of Insurance~~ shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3)(a) *or may impose penalties pursuant to s. 624.4211*. The *department* ~~division~~ may initiate investigations of questionable techniques, patterns, practices, or repeated unreasonably controverted claims. The *department* ~~division~~ may by rule establish *penalties for violations and* forms and procedures for corrective action plans and for auditing carriers.

(b) As to any examination, investigation, or hearing being conducted under this chapter, the *Treasurer or his or her designee* ~~Secretary of Labor and Employment Security or the secretary's designee~~:

1. May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

2. Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

(c) If any person refuses to comply with any such subpoena or to testify as to any matter concerning which she or he may be lawfully interrogated, the Circuit Court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify.

(d) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees, costs, and reasonable travel expenses, if claimed, shall be allowed the same as for testimony in a circuit court.

(e) ~~The division shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers with poor payment records for the preceding year. A copy of such report shall be certified to~~ The department ~~of Insurance which~~ shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(3)(a). In addition, the *department* ~~division~~ shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.

(f) The *department* ~~division~~ shall promulgate rules providing guidelines to carriers, self-insurers, and employers to indicate behavior that may be construed as questionable claims-handling techniques, questionable patterns of claims, repeated unreasonably controverted claims, or poor payment practices.

(16) No penalty assessed under this section may be recouped by any carrier or self-insurer in the rate base, the premium, or any rate filing. ~~In the case of carriers,~~ The Department of Insurance shall enforce this subsection~~; and in the case of self-insurers, the division shall enforce this subsection~~.

(17) The *department* ~~division~~ may by rule establish audit procedures and set standards for the Automated Carrier Performance System.

Section 28. Subsections (1) and (2) of section 440.207, Florida Statutes, are amended to read:

440.207 Workers' compensation system guide.—

(1) The *department* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ shall educate all persons providing or receiving benefits pursuant to this chapter as to their rights and responsibilities under this chapter.

(2) The *department* ~~division~~ shall publish an understandable guide to the workers' compensation system which shall contain an explanation

of benefits provided; services provided by the Employee Assistance and Ombudsman Office; procedures regarding mediation, the hearing process, and civil and criminal penalties; relevant rules of the *department* ~~division~~; and such other information as the *department* ~~division~~ believes will inform employees, employers, carriers, and those providing services pursuant to this chapter of their rights and responsibilities under this chapter and the rules of the *department* ~~division~~. For the purposes of this subsection, a guide is understandable if the text of the guide is written at a level of readability not exceeding the eighth grade level, as determined by a recognized readability test.

Section 29. Subsection (1) of section 440.211, Florida Statutes, is amended to read:

440.211 Authorization of collective bargaining agreement.—

(1) Subject to the limitation stated in subsection (2), a provision that is mutually agreed upon in any collective bargaining agreement filed with the *department* ~~division~~ between an individually self-insured employer or other employer upon consent of the employer's carrier and a recognized or certified exclusive bargaining representative establishing any of the following shall be valid and binding:

(a) An alternative dispute resolution system to supplement, modify, or replace the provisions of this chapter which may include, but is not limited to, conciliation, mediation, and arbitration. Arbitration held pursuant to this section shall be binding on the parties.

(b) The use of an agreed-upon list of certified health care providers of medical treatment which may be the exclusive source of all medical treatment under this chapter.

(c) The use of a limited list of physicians to conduct independent medical examinations which the parties may agree shall be the exclusive source of independent medical examiners pursuant to this chapter.

(d) A light-duty, modified-job, or return-to-work program.

(e) A vocational rehabilitation or retraining program.

Section 30. Subsections (1), (2), and (3) of section 440.24, Florida Statutes, are amended to read:

440.24 Enforcement of compensation orders; penalties.—

(1) In case of default by the employer or carrier in the payment of compensation due under any compensation order of a judge of compensation claims or other failure by the employer or carrier to comply with such order within 10 days after the order becomes final, any circuit court of this state within the jurisdiction of which the employer or carrier resides or transacts business shall, upon application by the *department* ~~division~~ or any beneficiary under such order, have jurisdiction to issue a rule nisi directing such employer or carrier to show cause why a writ of execution, or such other process as may be necessary to enforce the terms of such order, shall not be issued, and, unless such cause is shown, the court shall have jurisdiction to issue a writ of execution or such other process or final order as may be necessary to enforce the terms of such order of the judge of compensation claims.

(2) In any case where the employer is insured and the carrier fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, ~~the division shall notify~~ the department ~~of Insurance of such failure, and the Department of Insurance~~ shall thereupon suspend the license of such carrier to do an insurance business in this state, until such carrier has complied with such order.

(3) In any case where the employer is a self-insurer and fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, the *department* ~~division~~ may suspend or revoke any authorization previously given to the employer to become a self-insurer, and the *department* ~~division~~ may sell such of the securities deposited by such self-insurer with the *department* ~~division~~ as may be necessary to satisfy such order.

Section 31. Subsections (4), (5), and (7) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(4)(a) If, on the 10th day following commencement of mediation, the questions in dispute have not been resolved, the judge of compensation claims shall hold a pretrial hearing. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.

(b) The final hearing must be held and concluded within 45 days after the pretrial hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control.

(c) The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.

(d) The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will, in the discretion of the Chief Judge, be the most convenient for a hearing. The hearing shall be conducted by a judge of compensation claims, who shall, within 14 days after final hearing, unless otherwise agreed by the parties, determine the dispute in a summary manner. At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the *department* ~~division~~ at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the *department* ~~Secretary of Labor and Employment Security~~, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.

(h) Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.

(i) To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the Chief Judge shall make

provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing.

(j) To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of $5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. For purposes of expedited resolution pursuant to this paragraph, the Chief Judge shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form promulgated by the Chief Judge; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(5)(a) Procedures with respect to appeals from orders of judges of compensation claims shall be governed by rules adopted by the Supreme Court. Such an order shall become final 30 days after mailing of copies of such order to the parties, unless appealed pursuant to such rules.

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The *department* ~~division~~ shall promulgate rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the *department* ~~division and the Office of the General Counsel, Department of Labor and Employment Security,~~ in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the *department* ~~division~~, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the *department* ~~division~~ to pay record costs and filing fees from the Workers' Compensation *Administrative* Trust Fund pending final disposition of the costs of appeal. The *department* ~~division~~ may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the *department* ~~division~~ for costs incurred in opposing the petition, including investigation and travel expenses.

(c) As a condition of filing a notice of appeal to the District Court of Appeal, First District, an employer who has not secured the payment of compensation under this chapter in compliance with s. 440.38 shall file with the notice of appeal a good and sufficient bond, as provided in s. 59.13, conditioned to pay the amount of the demand and any interest and costs payable under the terms of the order if the appeal is dismissed, or if the District Court of Appeal, First District, affirms the award in any amount. Upon the failure of such employer to file such bond with the judge of compensation claims or the District Court of Appeal, First District, along with the notice of appeal, the District Court of Appeal, First District, shall dismiss the notice of appeal.

(7) An injured employee claiming or entitled to compensation shall submit to such physical examination by a certified expert medical advisor approved by the *agency* ~~division~~ or the judge of compensation claims as the *agency* ~~division~~ or the judge of compensation claims may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination. Any interested party shall have the right in any case of death to require an autopsy, the cost thereof to be borne by the party requesting it; and the judge of compensation claims shall have authority to order and require an autopsy and may, in her or his discretion, withhold her or his findings and award until an autopsy is held.

Section 32. Section 440.271, Florida Statutes, is amended to read:

440.271 Appeal of order of judge of compensation claims.—Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District. Appeals shall be filed in accordance with rules of procedure prescribed by the Supreme Court for review of such orders. The *department* ~~division~~ shall be given notice of any proceedings pertaining to s. 440.25, regarding indigency, or s. 440.49, regarding the Special Disability Trust Fund, and shall have the right to intervene in any proceedings.

Section 33. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the *department* ~~division~~ as the *department* ~~division~~ requires by rule. The *department* ~~division~~ shall annually summarize such data in a report to the Workers' Compensation Oversight Board.

Section 34. Section 440.35, Florida Statutes, is amended to read:

440.35 Record of injury or death.—Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disability or death in respect of such injury as the *department* ~~division~~ may by regulation require, and shall be available to inspection by the *department* ~~division~~ or by any state authority at such time and under such conditions as the *department* ~~division~~ may by regulation prescribe.

Section 35. Subsections (1), (2), and (3) of section 440.38, Florida Statutes, are amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(a) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association or exchange, authorized to do business in the state;

(b) By furnishing satisfactory proof to the *Florida Self-Insurers Guaranty Association, Incorporated, created in s. 440.385, that it has the financial strength necessary to assure timely payment of all current and future claims* ~~division of its financial ability to pay such compensation~~ individually and on behalf of its subsidiary and affiliated companies with employees in this state and receiving an authorization from the *Department of Insurance,* ~~division~~ to pay such compensation directly. *The association shall review the financial strength of applicants for membership, current members, and former members and make recommendations to the department regarding their qualifications to self-insure* in

accordance with *this act and ss. 440.385 and 440.386. The department shall consult with the association on any recommendation before taking action.* ~~the following provisions:~~

1. The *association* ~~division~~ may *recommend that the Department of Insurance*~~, as a condition to such authorization,~~ require *an* ~~such~~ employer to deposit *with* ~~in a depository designated by~~ the *association a qualifying deposit. The association shall recommend the type and amount of the qualifying security deposit and shall* ~~division either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division and subject to such conditions as the division may~~ prescribe *conditions for the qualifying security deposit*~~,~~ which shall include authorization *for* ~~to~~ the *association to call the qualifying security deposit* ~~division~~ in the case of default ~~to sell any such securities sufficient~~ to pay compensation awards *and related expenses of the association* ~~or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter~~. ~~In addition, the division shall require,~~ As a condition to authorization to self-insure, *the employer shall provide* proof that the employer has provided for competent personnel with whom to deliver benefits and to provide a safe working environment. ~~Further,~~ The *employer* ~~division~~ shall *also provide evidence of* ~~require such employer to carry~~ reinsurance at levels that will ensure the *financial strength and* actuarial soundness of such employer in accordance with rules *adopted* ~~promulgated~~ by the *Department of Insurance* ~~division~~. The *Department of Insurance* ~~division~~ may by rule require that, in the event of an individual self-insurer's insolvency, such *qualifying security deposits* ~~indemnity bonds, securities,~~ and reinsurance policies *are* ~~shall be~~ payable to the *association* ~~Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385~~. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer and shall be classed as a carrier of her or his own insurance. *All such employers shall, if requested, provide the association an actuarial report signed by a member of the American Academy of Actuaries providing an opinion of the appropriate present value of the reserves for current and future compensation claims. If any member or former member of the association refuses to timely provide such a report, the association may obtain an order from a circuit court requiring the member to produce such a report and ordering such other relief as the court determines appropriate. The association shall be entitled to recover all reasonable costs and attorney's fees in such proceedings.*

2. If the employer fails to maintain the foregoing requirements, the *association* ~~division~~ shall *recommend to the Department of Insurance that it* revoke the employer's authority to self-insure, unless the employer provides to the *association* ~~division~~ the certified opinion of an independent actuary who is a member of the American *Academy* ~~Society~~ of Actuaries as to the actuarial present value of the employer's determined and estimated future compensation payments based on cash reserves, using a 4-percent discount rate, and a qualifying security deposit equal to 1.5 times the value so certified. The employer shall thereafter annually provide such a certified opinion until such time as the employer meets the requirements of subparagraph 1. The qualifying security deposit shall be adjusted at the time of each such annual report. Upon the failure of the employer to timely provide such opinion or to timely provide a security deposit in an amount equal to 1.5 times the value certified in the latest opinion, the *association shall provide such information to the department along with a recommendation, and the Department of Insurance* ~~division~~ shall then revoke *an* ~~such~~ employer's authorization to self-insure.~~, and such~~ Failure *to comply with this provision* shall be deemed to constitute an immediate serious danger to the public health, safety, or welfare sufficient to justify the summary suspension of the employer's authorization to self-insure pursuant to s. 120.68.

3. Upon the suspension or revocation of the employer's authorization to self-insure, the employer shall provide to the ~~division and to the Florida Self-Insurers Guaranty~~ association~~, Incorporated, created pursuant to s. 440.385~~ the certified opinion of an independent actuary who is a member of the American *Academy* ~~Society~~ of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the member exercised the privilege of self-insurance, using a discount rate of 4 percent. The employer shall provide such an opinion at 6-month intervals thereafter until such time as the latest opinion shows no remaining value of claims. With each such opinion, the employer shall deposit with the *association* ~~division~~ a qualifying security deposit in an amount equal to the value certified by the actuary. The association has a cause of action against an employer, and against any successor of the employer, who fails to timely provide such opinion or who fails to timely maintain the required security deposit with the *association* ~~division~~. The association shall recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the employer exercised the privilege of self-insurance, together with attorney's fees. For purposes of this section, the successor of an employer means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

4. A qualifying security deposit shall consist, at the option of the employer, of:

a. Surety bonds, in a form and containing such terms as prescribed by the *association* ~~division~~, issued by a corporation surety authorized to transact surety business by the Department of Insurance, and whose policyholders' and financial ratings, as reported in A.M. Best's Insurance Reports, Property-Liability, are not less than "A" and "V", respectively.

~~b. Certificates of deposit with financial institutions, the deposits of which are insured through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

b.~~c.~~ Irrevocable letters of credit in favor of the *association* ~~division~~ issued by financial institutions *located within this state, the deposits of which are insured through the Federal Deposit Insurance Corporation* ~~described in sub-subparagraph b~~.

~~d. Direct obligations of the United States Treasury backed by the full faith and credit of the United States.~~

~~e. Securities issued by this state and backed by the full faith and credit of this state.~~

5. The qualifying security deposit shall be held by the *association* ~~division, or by a depository authorized by the division,~~ exclusively for the benefit of workers' compensation claimants. The security shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of compensation under this chapter. No surety bond may be terminated, and no *letter of credit* ~~other qualifying security~~ may be allowed to *expire* ~~lapse~~, without 90 days' prior *written* notice to the *association* ~~division~~ and *the* deposit by the self-insuring employer of *some* other qualifying security *deposit* of equal value within 10 business days after such notice. Failure to provide such *written* notice or failure to timely provide qualifying replacement security after such notice shall constitute grounds for the *association* ~~division~~ to call or sue upon the surety bond, or to ~~act with respect to other pledged security in any manner necessary to preserve its value for the purposes intended by this section, including the~~ exercise *its* ~~of~~ rights under a letter of credit. *Current self-insured employers must comply with this section on or before December 31, 2001, or upon maturity of existing security deposits, whichever occurs later* ~~the sale of any security at then prevailing market rates, or the withdrawal of any funds represented by any certificate of deposit forming part of the qualifying security deposit~~. The *Department of Insurance* ~~division~~ may specify by rule the amount of the qualifying security deposit required prior to authorizing an employer to self-insure and the amount of net worth required for an employer to qualify for authorization to self-insure;

(c) By entering into a contract with a public utility under an approved utility-provided self-insurance program as set forth in s. *624.46225* ~~440.571~~ in effect as of July 1, 1983. The *Department of Insurance* ~~division~~ shall adopt rules to implement this paragraph;

(d) By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s. 624.4622;

(e) In accordance with s. 440.135, an employer, other than a local government unit, may elect coverage under the Workers' Compensation Law and retain the benefit of the exclusiveness of liability provided in s. 440.11 by obtaining a 24-hour health insurance policy from an authorized property and casualty insurance carrier or an authorized life and health insurance carrier, or by participating in a fully or partially self-insured 24-hour health plan that is established or maintained by or for two or more employers, so long as the law of this state is not preempted by the Employee Retirement Income Security Act of 1974, Pub. L. No.

93-406, or any amendment to that law, which policy or plan must provide, for at least occupational injuries and illnesses, medical benefits that are comparable to those required by this chapter. A local government unit, as a single employer, in accordance with s. 440.135, may participate in the 24-hour health insurance coverage plan referenced in this paragraph. Disputes and remedies arising under policies issued under this section are governed by the terms and conditions of the policies and under the applicable provisions of the Florida Insurance Code and rules adopted under the insurance code and other applicable laws of this state. The 24-hour health insurance policy may provide for health care by a health maintenance organization or a preferred provider organization. The premium for such 24-hour health insurance policy shall be paid entirely by the employer. The 24-hour health insurance policy may use deductibles and coinsurance provisions that require the employee to pay a portion of the actual medical care received by the employee. If an employer obtains a 24-hour health insurance policy or self-insured plan to secure payment of compensation as to medical benefits, the employer must also obtain an insurance policy or policies that provide indemnity benefits as follows:

1. If indemnity benefits are provided only for occupational-related disability, such benefits must be comparable to those required by this chapter.

2. If indemnity benefits are provided for both occupational-related and nonoccupational-related disability, such benefits must be comparable to those required by this chapter, except that they must be based on 60 percent of the average weekly wages.

3. The employer shall provide for each of its employees life insurance with a death benefit of $100,000.

4. Policies providing coverage under this subsection must use prescribed and acceptable underwriting standards, forms, and policies approved by the Department of Insurance. If any insurance policy that provides coverage under this section is canceled, terminated, or nonrenewed for any reason, the cancellation, termination, or nonrenewal is ineffective until the self-insured employer or insurance carrier or carriers notify the ~~division and the~~ Department of Insurance of the cancellation, termination, or nonrenewal, and until the *Department of Insurance* ~~division~~ has actually received the notification. The *Department of Insurance* ~~division~~ must be notified of replacement coverage under a workers' compensation and employer's liability insurance policy or plan by the employer prior to the effective date of the cancellation, termination, or nonrenewal; or

(f) By entering into a contract with an individual self-insurer under an approved individual self-insurer-provided self-insurance program as set forth in s. 624.46225. The *Department of Insurance* ~~division~~ may adopt rules to implement this subsection.

(2)(a) The *Department of Insurance* ~~division~~ shall adopt rules by which businesses may become qualified to provide underwriting claims-adjusting, loss control, and safety engineering services to self-insurers.

(b) The *Department of Insurance* ~~division~~ shall adopt rules requiring self-insurers to file any reports necessary to fulfill the requirements of this chapter. Any self-insurer who fails to file any report as prescribed by the rules adopted by the *department* ~~division~~ shall be subject to a civil penalty ~~not to exceed $100 for each such failure~~.

(3)~~(a) The license of any stock company or mutual company or association or exchange authorized to do insurance business in the state shall for good cause, upon recommendation of the division, be suspended or revoked by the Department of Insurance. No suspension or revocation shall affect the liability of any carrier already incurred.~~

(a)~~(b)~~ The *Department of Insurance* ~~division~~ shall suspend or revoke any authorization to a self-insurer for *failure to comply with this act or for* good cause, as defined by rule of the *department* ~~division~~. No suspension or revocation shall affect the liability of any self-insurer already incurred.

(b)~~(c)~~ Violation of s. 440.381 by a self-insurance fund shall result in the imposition of a fine not to exceed $1,000 per audit if the self-insurance fund fails to act on said audits by correcting errors in employee classification or accepted applications for coverage where it knew employee classifications were incorrect. Such fines shall be levied by the *Department of Insurance* ~~division~~ and deposited into the Workers' Compensation Administration Trust Fund.

Section 36. Subsections (3) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(3) The department ~~of Insurance and the Department of Labor and Employment Security~~ shall establish by rule minimum requirements for audits of payroll and classifications in order to ensure that the appropriate premium is charged for workers' compensation coverage. The rules shall ensure that audits performed by both carriers and employers are adequate to provide that all sources of payments to employees, subcontractors, and independent contractors have been reviewed and that the accuracy of classification of employees has been verified. The rules shall provide that employers in all classes other than the construction class be audited not less frequently than biennially and may provide for more frequent audits of employers in specified classifications based on factors such as amount of premium, type of business, loss ratios, or other relevant factors. In no event shall employers in the construction class, generating more than the amount of premium required to be experience rated, be audited less than annually. The annual audits required for construction classes shall consist of physical onsite audits. Payroll verification audit rules must include, but need not be limited to, the use of state and federal reports of employee income, payroll and other accounting records, certificates of insurance maintained by subcontractors, and duties of employees.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Division of Unemployment Compensation before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. ~~It shall be the responsibility of the Division of Workers' Compensation to collect all necessary data so as to enable it to notify the carrier of the name of an injured worker who was not reported as earning wages on the last quarterly earnings report. The division is hereby authorized to release such records to the carrier which will enable the carrier to seek reimbursement as provided under this subsection.~~ Failure of the employer to indemnify the insurer within 21 days after demand by the insurer shall constitute grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier shall be cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer shall be entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in such action.

Section 37. Section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(1) CREATION OF ASSOCIATION.—

(a) There is created a nonprofit corporation to be known as the "Florida Self-Insurers Guaranty Association, Incorporated," hereinafter referred to as "the association." Upon incorporation of the association, all individual self-insurers as defined in ss. 440.02(23)(a) and 440.38(1)(b), other than individual self-insurers which are public utilities or governmental entities, shall be members of the association as a condition of their authority to individually self-insure in this state. The *association* ~~corporation~~ shall perform its functions under a plan of operation as established and approved under subsection (5) and shall exercise its powers and duties through a board of directors as established under subsection (2). The *association* ~~corporation~~ shall have those powers granted or permitted *associations* ~~corporations~~ not for profit, as provided in chapter 617. *The activities of the association shall be subject to review by the Department of Insurance. The Department of Insurance shall have oversight responsibility as set forth in this act. The association is specifically authorized to enter into agreements with the State of Florida to perform specified services.*

(b) A member may voluntarily withdraw from the association when the member voluntarily terminates the self-insurance privilege and pays

all assessments due to the date of such termination. However, the withdrawing member shall continue to be bound by the provisions of this section relating to the period of his or her membership and any claims charged pursuant thereto. The withdrawing member who is a member on or after January 1, 1991, shall also be required to provide to the *association* ~~division~~ upon withdrawal, and at 12-month intervals thereafter, satisfactory proof*, including, if requested by the association, a report of known and potential claims certified by a member of the American Academy of Actuaries,* that it continues to meet the standards of s. 440.38(1)(b)1. in relation to claims incurred while the withdrawing member exercised the privilege of self-insurance. Such reporting shall continue until the withdrawing member *demonstrates to* ~~satisfies~~ the *association* ~~division~~ that there is no remaining value to claims incurred while the withdrawing member was self-insured. *If a withdrawing member fails or refuses to timely provide an actuarial report to the association, the association may obtain an order from a circuit court requiring the member to produce such a report and ordering such other relief as the court determines appropriate. The association shall be entitled to recover all reasonable costs and attorney's fees expended in such proceedings.* If during this reporting period the withdrawing member fails to meet the standards of s. 440.38(1)(b)1., the withdrawing member who is a member on or after January 1, 1991, shall thereupon, and at 6-month intervals thereafter, provide to the ~~division and the~~ association the certified opinion of an independent actuary who is a member of the American *Academy* ~~Society~~ of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the member for claims incurred while the member was a self-insurer, using a discount rate of 4 percent. With each such opinion, the withdrawing member shall deposit with the *association* ~~division~~ security in an amount equal to the value certified by the actuary and of a type that is acceptable for qualifying security deposits under s. 440.38(1)(b). The withdrawing member shall continue to provide such opinions and to provide such security until such time as the latest opinion shows no remaining value of claims. The association has a cause of action against a withdrawing member, and against any successor of a withdrawing member, who fails to timely provide the required opinion or who fails to maintain the required deposit with the division. The association shall be entitled to recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the withdrawing member for claims incurred during the time that the withdrawing member exercised the privilege of self-insurance, together with reasonable attorney's fees. *The association is also entitled to recover reasonable attorney's fees in any action to compel production of any actuarial report required by this statute.* For purposes of this section, the successor of a withdrawing member means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the withdrawing member.

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. *All board members shall be experienced in self-insurance in this state. As of December 31, 2003, six members of the board shall be individual self-insurers in this state. The board members who are individual self-insurers shall be officers or full-time employees of the self-insured company they represent. If the individual self-insurer board member's company voluntarily withdraws such member's privilege to self-insure, the board member may complete the remaining term of his or her appointment.* ~~With respect to initial appointments, the Secretary of Labor and Employment Security shall, by July 15, 1982, approve and appoint to the board persons who are experienced with self-insurance in this state and who are recommended by the individual self-insurers in this state required to become members of the association pursuant to the provisions of paragraph (1)(a). In the event the secretary finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the secretary shall request the directors thus far approved and appointed to recommend another person for appointment to the board.~~ Each director shall serve for a 4-year term and may be reappointed. Appointments *after March 21, 2001,* ~~other than initial appointments~~ shall be made by the *Insurance Commissioner* ~~Secretary of Labor and Employment Security~~ upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.

(3) POWERS AND DUTIES.—

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association is obligated for payment of compensation under this chapter to insolvent members' employees resulting from incidents and injuries existing prior to the member becoming an insolvent member and from incidents and injuries occurring within 30 days after the member has become an insolvent member, provided the incidents giving rise to claims for compensation under this chapter occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation, and provided the employee makes timely claim for such payments according to procedures set forth by a court of competent jurisdiction over the delinquency or bankruptcy proceedings of the insolvent member. Such obligation includes only that amount due the injured worker or workers of the insolvent member under this chapter. In no event is the association obligated to a claimant in an amount in excess of the obligation of the insolvent member. The association shall be deemed the insolvent employer for purposes of this chapter to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

(b) The association may:

1. Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

2. Borrow funds necessary to effect the purposes of this section in accord with the plan of operation.

3. Sue or be sued.

4. Negotiate and become a party to such contracts as are necessary to carry out the purposes of this section.

5. Purchase such reinsurance as is determined necessary pursuant to the plan of operation.

6. Review all applicants for membership in the association *to determine whether the applicant is qualified for membership under the law. The association shall recommend to the Department of Insurance that the application be accepted or rejected based on the criteria set forth in s. 440.38(1)(b). The department shall approve or disapprove the application.* ~~Prior to a final determination by the Division of Workers' Compensation as to whether or not to approve any applicant for membership in the association, the association may issue opinions to the division concerning any applicant, which opinions shall be considered by the division prior to any final determination.~~

7. Collect and review financial information from employers and make recommendations to the Department of Insurance regarding the appropriate security deposit and reinsurance amounts necessary for an employer to demonstrate that it has the financial strength necessary to assure the timely payment of all current and future claims. The association may audit and examine an employer to verify the financial strength of its current and former members. If the association determines that a current or former self-insured employer does not have the financial strength necessary to assure the timely payment of all current and estimated future claims, the association may recommend to the department that the department:

a. Revoke the employer's self-insurance privilege.

b. Require the employer to provide a certified opinion of an independent actuary who is a member of the American Academy of Actuaries as to the actuarial present value of the employer's estimated current and future compensation payments, using a 4-percent discount rate.

c. Require an increase in the employer's security deposit in an amount determined by the association to be necessary to assure payment of compensation claims. The department shall act on such recommendations. The association has a cause of action against an employer, and against any successor of an employer, who fails to provide an additional security deposit required by the department. The association shall recover a judgment in the amount of the requested additional security deposit together with reasonable attorney's fees. For the purposes of this section, the successor of an employer is any person, business entity, or group of persons

or business entities that holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

8.~~7.~~ Charge fees to any member of the association to cover the actual costs of examining the financial and safety conditions of that member.

9.~~8.~~ Charge an applicant for membership in the association a fee sufficient to cover the actual costs of examining the financial condition of the applicant.

10. Implement any and all procedures necessary to ensure compliance with regulatory actions taken by the department.

(c)1. To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the *association, subject to approval by the* Department of *Insurance* ~~Labor and Employment Security, upon certification of the board of directors~~, shall levy assessments based on the annual *written* ~~normal~~ premium each employer would have paid had the employer not been self-insured. Every assessment shall be made as a uniform percentage of the figure applicable to all individual self-insurers, provided that the assessment levied against any self-insurer in any one year shall not exceed 1 percent of the annual *written* ~~normal~~ premium during the calendar year preceding the date of the assessment. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each employer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribution of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

2. If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

3. *Funds may be allocated or paid from the Workers' Compensation Administration Trust Fund to contract with the association to perform services required by law. However,* no state funds of any kind shall be allocated or paid to the association or any of its accounts *for payment of covered claims or related expenses* except those state funds accruing to the association by and through the assignment of rights of an insolvent employer. *The department shall not levy any assessment on the Florida Self-Insurance Guaranty Association.*

(4) INSOLVENCY FUND.—Upon the adoption of a plan of operation ~~or the adoption of rules by the Department of Labor and Employment Security pursuant to subsection (5)~~, there shall be created an Insolvency Fund to be managed by the association.

(a) The Insolvency Fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association and after the exhaustion of any *security deposit* ~~bond~~, as required under this chapter. However, if such *security deposit* ~~bond, surety,~~ or reinsurance policy is payable to the Florida Self-Insurers Guaranty Association, the association shall commence to provide benefits out of the Insolvency Fund and be reimbursed from the *security deposit* ~~bond, surety,~~ or reinsurance policy. The method of operation of the Insolvency Fund shall be defined in the plan of operation as provided in subsection (5).

(b) The department shall have the authority to audit the financial soundness of the Insolvency Fund annually.

(c) The department may offer certain amendments to the plan of operation to the board of directors of the association for purposes of assuring the ongoing financial soundness of the Insolvency Fund and its ability to meet the obligations of this section.

~~(d) The department actuary may make certain recommendations to improve the orderly payment of claims.~~

(5) PLAN OF OPERATION.—*The association shall operate pursuant to a plan of operation approved by the board of directors. The plan of operation in effect on March 1, 2001, and approved by the Department of Labor and Employment Security shall remain in effect. However, any amendments to the plan shall not become effective until approved by the Department of Insurance.* ~~By September 15, 1982, the board of directors shall submit to the Department of Labor and Employment Security a proposed plan of operation for the administration of the association and the Insolvency Fund.~~

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose. *By January 1, 2002, the board of directors shall submit to the Department of Insurance a proposed plan of operation for the administration of the association. The Department of Insurance shall approve the plan by order, consistent with this act. The Department of Insurance shall approve any amendments to the plan, by order consistent with this act, and determined appropriate to carry out the duties and responsibilities of the association.*

~~(b) The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the department. If the board of directors fails to submit a plan by September 15, 1982, or fails to make required amendments to the plan within 30 days thereafter, the department shall promulgate such rules as are necessary to effectuate the provisions of this subsection. Such rules shall continue in force until modified by the department or superseded by a plan submitted by the board of directors and approved by the department.~~

(b)~~(c)~~ All member employers shall comply with the plan of operation.

(c)~~(d)~~ The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d)~~(e)~~ The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs *(c)*~~(d)~~1. and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

(6) POWERS AND DUTIES OF DEPARTMENT OF *INSURANCE* ~~LABOR AND EMPLOYMENT SECURITY~~.—

(a) The department shall~~:~~

~~1.~~ *review recommendations of the association concerning whether current or former self-insured employers or members of the association have the financial strength necessary to ensure the timely payment of all current and estimated future claims. If the association determines an employer does not have the financial strength necessary to ensure the timely payment of all current and future claims and recommends action pursuant to paragraph (3)(b), the Department of Insurance may take such action as necessary to order the employer to comply with the recommendation.* ~~Notify the association of the existence of an insolvent employer not later than 3 days after it receives notice of the determination of insolvency.~~

(b) The department may:

1. Contract with the association for services, which may include, but not be limited to, the following:

a. Process applications for self-insurance.

b. Collect and review financial statements and loss reserve information from individual self-insurers.

c. Collect and maintain files for original security deposit documents and reinsurance policies from individual self-insurers and, if necessary, perfect security interests in security deposits.

d. Process compliance documentation for individual self-insurers and provide same to the Department of Insurance.

e. Collect all data necessary to calculate annual premium for all individual self-insurers, including individual self-insurers that are public utilities or governmental entities, and provide such calculated annual premium to the Department of Insurance for assessment purposes.

f. Inspect and audit annually, if necessary, the payroll and other records of each individual self-insurer, including individual self-insurers that are public utilities or governmental entities, in order to determine the wages paid by each individual self-insurer, the premium such individual self-insurer would have to pay if insured, and all payments of compensation made by such individual self-insurer during each prior period with the results of such audit provided to the Department of Insurance. For the purposes of this section, the payroll records of each individual self-insurer shall be open to inspection and audit by the association, the department, or their authorized representative, during regular business hours.

g. Provide legal representation to implement the administration and audit of individual self-insurers and make recommendations regarding prosecution of any administrative or legal proceedings necessitated by the department's regulation of the individual self-insurers.

2. *Contract with an attorney or attorneys recommended by the association for representation of the department in any administrative or legal proceedings necessitated by the recommended regulation of the individual self-insurers.* ~~Upon request of the board of directors, provide the association with a statement of the annual normal premiums of each member employer.~~

~~(b) The department may:~~

3.~~1.~~ *Direct the association to require from each individual self-insurer, at such time and in accordance with such regulations as the department prescribes, reports in respect to wages paid, the amount of premiums such individual self-insurer would have to pay if insured, and all payments of compensation made by such individual self-insurer during each prior period and determine the amounts paid by each individual self-insurer and the amounts paid by all individual self-insurers during such period. For the purposes of this section, the payroll records of each individual self-insurer shall be open to annual inspection and audit by the association, the department, or their authorized representative, during regular business hours, and if any audit of such records of an individual self-insurer discloses a deficiency in the amount reported to the association or in the amounts paid to the Department of Insurance by an individual self-insurer for its assessment for the Workers' Compensation Administration Trust Fund, the Department of Insurance or the association may assess the cost of such audit against the individual self-insurer.*

4. Require that the association notify the member employers and any other interested parties of the determination of insolvency and of their rights under this section. Such notification shall be by mail at the last known address thereof when available; but, if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

5.~~2.~~ Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this state. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed 5 percent of the unpaid assessment per month, except that no fine shall be less than $100 per month.

~~3. Revoke the designation of any servicing facility if the department finds that claims are being handled unsatisfactorily.~~

(7) EFFECT OF PAID CLAIMS.—

(a) Any person who recovers from the association under this section shall be deemed to have assigned his or her rights to the association to the extent of such recovery. Every claimant seeking the protection of this section shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent member. The association shall have no cause of action against the employee of the insolvent member for any sums the association has paid out, except such causes of action as the insolvent member would have had if such sums had been paid by the insolvent member. In the case of an insolvent member operating on a plan with assessment liability, payments of claims by the association shall not operate to reduce the liability of the insolvent member to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent member shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority against the assets of the insolvent member equal to that to which the claimant would have been entitled in the absence of this section. The expense of the association or similar organization in handling claims shall be accorded the same priority as the expenses of the liquidator.

(c) The association shall file periodically with the receiver or liquidator of the insolvent member statements of the covered claims paid by the association and estimates of anticipated claims on the association, which shall preserve the rights of the association against the assets of the insolvent member.

(8) *NOTIFICATION* ~~PREVENTION~~ OF INSOLVENCIES.—To aid in the detection and prevention of employer insolvencies~~:~~

~~(a)~~ upon determination by majority vote that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the Department of *Insurance* ~~Labor and Employment Security~~ of any information indicating such condition.

~~(b) The board of directors may, upon majority vote, request that the department determine the condition of any member employer which the board in good faith believes may no longer be qualified to be a member of the association. Within 30 days of the receipt of such request or, for good cause shown, within a reasonable time thereafter, the department shall make such determination and shall forthwith advise the board of its findings. Each request for a determination shall be kept on file by the department, but the request shall not be open to public inspection prior to the release of the determination to the public.~~

~~(c) It shall also be the duty of the department to report to the board of directors when it has reasonable cause to believe that a member employer may be in such a financial condition as to be no longer qualified to be a member of the association.~~

~~(d) The board of directors may, upon majority vote, make reports and recommendations to the department upon any matter which is germane to the solvency, liquidation, rehabilitation, or conservation of any member employer. Such reports and recommendations shall not be considered public documents.~~

~~(e) The board of directors may, upon majority vote, make recommendations to the department for the detection and prevention of employer insolvencies.~~

~~(f) The board of directors shall, at the conclusion of any member's insolvency in which the association was obligated to pay covered claims, prepare a report on the history and cause of such insolvency, based on the information available to the association, and shall submit such report to the department.~~

(9) EXAMINATION OF THE ASSOCIATION.—The association shall be subject to examination and regulation by the Department of *Insurance* ~~Labor and Employment Security~~. No later than March 30 of each year, the board of directors shall submit *an audited* ~~a~~ financial *statement* ~~report~~ for the preceding calendar year in a form approved by the department.

(10) IMMUNITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member employer, the association or its agents or employees, the board of directors, or the Department of *Insurance* ~~Labor and Employment Security~~ or its representatives for any action taken by them in the performance of their powers and duties under this section.

(11) STAY OF PROCEEDINGS; REOPENING OF DEFAULT JUDGMENTS.—All proceedings in which an insolvent employer is a party, or is obligated to defend a party, in any court or before any quasi-judicial body or administrative board in this state shall be stayed for up to 6 months, or for such additional period from the date the employer becomes an insolvent member, as is deemed necessary by a court of competent jurisdiction to permit proper defense by the association of all pending causes of action as to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent member. The association, either on its own behalf or on behalf of the insolvent member, may apply to have such judgment, order, decision, verdict, or finding set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding and shall be permitted to defend against such claim on the merits. If requested by the association, the stay of proceedings may be shortened or waived.

(12) LIMITATION ON CERTAIN ACTIONS.—Notwithstanding any other provision of this chapter, a covered claim, as defined herein, with respect to which settlement is not effected and pursuant to which suit is not instituted against the insured of an insolvent member or the association within 1 year after the deadline for filing claims with the receiver of the insolvent member, or any extension of the deadline, shall thenceforth be barred as a claim against the association.

(13) CORPORATE INCOME TAX CREDIT.—Any sums acquired by a member by refund, dividend, or otherwise from the association shall be payable within 30 days of receipt to the Department of Insurance for deposit with the Treasurer to the credit of the General Revenue Fund. All provisions of chapter 220 relating to penalties and interest on delinquent corporate income tax payments apply to payments due under this subsection.

Section 38. Subsections (2), (3), and (4) of section 440.386, Florida Statutes, are amended to read:

440.386 Individual self-insurers' insolvency; conservation; liquidation.—

(2) COMMENCEMENT OF DELINQUENCY PROCEEDING.—The Department *of Insurance or the Florida Self-Insurers Guaranty Association, Incorporated,* may commence *a delinquency* ~~any such~~ proceeding by application to the court for an order directing the individual self-insurer to show cause why the department *or association* should not have the relief prayed for. ~~The Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to commence such proceedings, and upon receipt of such petition, the department shall commence such proceeding.~~ On the return of such order to show cause, and after a full hearing, the court shall either deny the application or grant the application, together with such other relief as the nature of the case and the interests of the claimants, creditors, stockholders, members, subscribers, or public may require. The *Department of Insurance and the association shall give* ~~Florida Self-Insurers Guaranty Association, Incorporated, shall be given~~ reasonable written notice *to each other* ~~by the department~~ of all hearings which pertain to an adjudication of insolvency of a member individual self-insurer.

(3) GROUNDS FOR LIQUIDATION.—The Department of Insurance *or the association* may apply to the court for an order appointing a receiver and directing the receiver to liquidate the business of a domestic individual self-insurer if such individual self-insurer is insolvent. ~~Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to apply to the court for such order. Upon receipt of such petition, the department shall apply to the court for such order.~~

(4) GROUNDS FOR CONSERVATION; FOREIGN INDIVIDUAL SELF-INSURERS.—

(a) The Department *of Insurance or the association* may apply to the court for an order appointing a receiver or ancillary receiver, and directing the receiver to conserve the assets within this state, of a foreign individual self-insurer if such individual self-insurer is insolvent. ~~Florida Self-Insurers Guaranty Association, Incorporated, may petition the department to apply for such order, and, upon receipt of such petition, the department shall apply to the court for such order.~~

(b) An order to conserve the assets of an individual self-insurer shall require the receiver forthwith to take possession of the property of the receiver within the state and to conserve it, subject to the further direction of the court.

Section 39. Section 440.40, Florida Statutes, is amended to read:

440.40 Compensation notice.—Every employer who has secured compensation under the provisions of this chapter shall keep posted in a conspicuous place or places in and about her or his place or places of business typewritten or printed notices, in accordance with a form prescribed by the *department* ~~division~~, stating that such employer has secured the payment of compensation in accordance with the provisions of this chapter. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy. The *department* ~~division~~ may by rule prescribe the form of the notices and require carriers to provide the notices to policyholders.

Section 40. Section 440.41, Florida Statutes, is amended to read:

440.41 Substitution of carrier for employer.—In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this chapter may be most effectively discharged by the employer, and in order that the administration of this chapter in respect of such liability may be facilitated, the *department* ~~division~~ shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this chapter upon the employer, as it considers proper in order to effectuate the provisions of this chapter. For such purposes:

(1) Notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier.

(2) Jurisdiction of the employer by the judges of compensation claims, the *department* ~~division~~, or any court under this chapter shall be jurisdiction of the carrier.

(3) Any requirement by the judges of compensation claims, the *department* ~~division~~, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

Section 41. Subsection (3) of section 440.42, Florida Statutes, is amended to read:

440.42 Insurance policies; liability.—

(3) No contract or policy of insurance issued by a carrier under this chapter shall expire or be canceled until at least 30 days have elapsed after a notice of cancellation has been sent to the *department* ~~division~~ and to the employer in accordance with the provisions of s. 440.185(7). However, when duplicate or dual coverage exists by reason of two different carriers having issued policies of insurance to the same employer securing the same liability, it shall be presumed that only that policy with the later effective date shall be in force and that the earlier policy terminated upon the effective date of the latter. In the event that both policies carry the same effective date, one of the policies may be canceled instanter upon filing a notice of cancellation with the *department* ~~division~~ and serving a copy thereof upon the employer in such manner as the

department ~~division~~ prescribes by rule. The *department* ~~division~~ may by rule prescribe the content of the notice of retroactive cancellation and specify the time, place, and manner in which the notice of cancellation is to be served.

Section 42. Section 440.44, Florida Statutes, is amended to read:

440.44 Workers' compensation; staff organization.—

(1) INTERPRETATION OF LAW.—As a guide to the interpretation of this chapter, the Legislature takes due notice of federal social and labor acts and hereby creates an agency to administer such acts passed for the benefit of employees and employers in Florida industry, and desires to meet the requirements of such federal acts wherever not inconsistent with the Constitution and laws of Florida.

(2) INTENT.—It is the intent of the Legislature that the *department, the agency, and the Department of Education* ~~division~~ assume an active and forceful role in *their* ~~its~~ administration of this act, so as to ensure that the system operates efficiently and with maximum benefit to both employers and employees.

(3) EXPENDITURES.—The *department, the agency, the Department of Education,* ~~division~~ and the Chief Judge shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books; for telephone services and WATS lines; for books of reference, periodicals, equipment, and supplies; and for printing and binding as may be necessary in the administration of this chapter. All expenditures in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the *department, the agency, the Department of Education,* ~~division~~ or the Chief Judge.

(4) MERIT SYSTEM PRINCIPLE OF PERSONNEL ADMINISTRATION.—Subject to the other provisions of this chapter, the *department, the agency, and the Department of Education are* ~~division is~~ authorized to appoint, and prescribe the duties and powers of, bureau chiefs, attorneys, accountants, medical advisers, technical assistants, inspectors, claims examiners, and such other employees as may be necessary in the performance of its duties under this chapter.

(5) OFFICE.—The *department, the agency, the Department of Education,* ~~division~~ and the Chief Judge shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The *department, the agency* ~~division~~, any judge of compensation claims, or the Chief Judge may hold sessions and conduct hearings at any place within the state.

(6) SEAL.—The division *and*~~,~~ the *Office of the Judges of Compensation Claims* ~~judges of compensation claims, and the Chief Judge~~ shall have *seals* ~~a seal~~ upon which shall be inscribed the words "State of Florida Department *of Insurance* Seal" and the "Division of Administrative Hearings *Seal." respectively.* ~~of Labor and Employment Security—Seal."~~

(7) DESTRUCTION OF OBSOLETE RECORDS.—The *department* ~~division~~ is expressly authorized to provide by regulation for and to destroy obsolete records of the *department* ~~division and commission~~.

(8) PROCEDURE.—In the exercise of *their* ~~its~~ duties and functions requiring administrative hearings, the *department and the agency* ~~division~~ shall proceed in accordance with the Administrative Procedure Act. The authority of the *department and the agency* ~~division~~ to issue orders resulting from administrative hearings as provided for in this chapter shall not infringe upon the jurisdiction of the judges of compensation claims.

Section 43. *Section 440.4416, Florida Statutes, is repealed.*

Section 44. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1) There is hereby created the Office of the Judges of Compensation Claims within the *Division of Administrative Hearing of the Department of Management Services* ~~Department of Labor and Employment Security~~. The Office of the Judges of Compensation Claims shall be headed by a Chief Judge. The Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Chief Judge must possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the Chief Judge shall be its agency head for all purposes. The *Division of Administrative Hearings* ~~Department of Labor and Employment Security~~ shall provide administrative support and service to the office to the extent requested by the Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

Section 45. Subsections (1), (2), (7), (8), (9), (10), and (11) of section 440.49, Florida Statutes, are amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) LEGISLATIVE INTENT.—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his preexisting permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The *department* ~~division~~ or the administrator shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

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

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the commission to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

(f) "Corporation" means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).

(g) "Commission" means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).

In addition to the definitions contained in this subsection, the *department* ~~division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the *department* ~~division~~ or administrator at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of claim must contain such information as the *department* ~~division~~ by rule requires or as established by the administrator; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the *department* ~~division~~ or administrator reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiling shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over $10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the *department* ~~division~~ or administrator at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(11), shall be res judicata. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the *department* ~~division~~, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(g) The *department* ~~division~~ may by rule require specific forms and procedures for the administration and processing of claims made through the Special Disability Trust Fund.

(8) PREFERRED WORKER PROGRAM.—The *The Department of Education* ~~division~~ or administrator shall issue identity cards to preferred workers upon request by qualified employees and *the department* shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment. The *department and the Department of Education* ~~division~~ may by rule prescribe definitions, forms, and procedures for the administration of the preferred worker program. The *Department of Education* ~~division~~ may by rule prescribe the schedule for submission of forms for participation in the program.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the *department* ~~division~~ or corporation and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the *department* ~~division~~ or corporation may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The *department* ~~division~~ shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of $100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the Division *of Workers' Compensation of the Department of Labor and Employment Security or the department* advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The *department* ~~division~~ may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the Division *of Workers' Compensation of the Department of Labor and Employment Security or the department* advises of the appropriate assessment that should have been paid.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the *department* ~~division~~ for the Special Disability Trust Fund in accordance with such regulations as the *department* ~~division~~ prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a $250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a $500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The Department of *Insurance* ~~Labor and Employment Security~~ or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update the estimated undiscounted and discounted fund liability, as determined by an independent actuary, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, the fee revenues refunded and revenues applied to pay down the liability of the fund, the average time required to reimburse accepted claims, and the average administrative costs per claim. The department or administrator shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

(10) *DEPARTMENT* ~~DIVISION~~ ADMINISTRATION OF FUND; CLAIMS; ADVISORY COMMITTEE; EXPENSES.—The *department* ~~division~~ or administrator shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The *department* ~~division~~ or administrator or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. The *department* ~~division~~ shall appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund, who shall serve without compensation for such terms as specified by it, but be reimbursed for travel expenses as provided in s. 112.061. All expenditures made in connection with conservation of the fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the *department* ~~division~~.

(11) EFFECTIVE DATES.—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the *department* ~~division~~ shall continue to assess for and the *department* ~~division~~ or administrator shall fund reimbursements as provided in subsection (9) for this purpose.

Section 46. Section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

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

(a) "Carrier" means group self-insurance funds or individual self-insureds authorized under this chapter and commercial funds or insurance entities authorized to write workers' compensation insurance under chapter 624.

(b) "Medical care coordination" includes, but is not limited to, coordinating physical rehabilitation services such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health training to the employee and family, and monitoring the employee's recovery. The purposes of medical care coordination are to minimize the disability and recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are timely provided in a logical sequence, and to contain medical costs.

(c) "Qualified rehabilitation provider" means a rehabilitation nurse, rehabilitation counselor, vocational evaluator, rehabilitation facility, or agency approved by the *Department of Education* ~~division~~ as qualified to provide reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this chapter.

(d) "Reemployment assessment" means a written assessment performed by a qualified rehabilitation provider which provides a comprehensive review of the medical diagnosis, treatment, and prognosis; includes conferences with the employer, physician, and claimant; and recommends a cost-effective physical and vocational rehabilitation plan to assist the employee in returning to suitable gainful employment.

(e) "Reemployment services" means services that include, but are not limited to, vocational counseling, job-seeking skills training, ergonomic job analysis, transferable skills analysis, selective job placement, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable gainful employment.

(f) "Reemployment status review" means a review to determine whether an injured employee is at risk of not returning to work.

(g) "Suitable gainful employment" means employment or self-employment that is reasonably attainable in light of the employee's age, education, work history, transferable skills, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his or her average weekly earnings at the time of injury.

(h) "Vocational evaluation" means a review of the employee's physical and intellectual capabilities, his or her aptitudes and achievements, and his or her work-related behaviors to identify the most cost-effective means toward the employee's return to suitable gainful employment.

(2) INTENT.—It is the intent of this section to implement a systematic review by carriers of the factors that are predictive of longer-term disability and to encourage the provision of medical care coordination and reemployment services that are necessary to assist the employee in returning to work as soon as is medically feasible.

(3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the carrier must determine whether the employee is likely to return to work and must report its determination to the *Department of Education* ~~division~~. The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(b) If medical care coordination or reemployment services are voluntarily undertaken within 60 days of the date of injury, such services may continue to be provided as agreed by the employee and the carrier.

(4) REEMPLOYMENT ASSESSMENTS.—

(a) The carrier may require the employee to receive a reemployment assessment as it considers appropriate. However, the carrier is encouraged to obtain a reemployment assessment if:

1. The carrier determines that the employee is at risk of remaining unemployed.

2. The case involves catastrophic or serious injury.

(b) The carrier shall authorize only a qualified rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier, the employee, and the *Department of Education* ~~division~~ within 30 days after the time such assessment is complete.

(c) If the rehabilitation provider recommends that the employee receive medical care coordination or reemployment services, the carrier shall advise the employee of the recommendation and determine whether the employee wishes to receive such services. The employee shall have 15 days after the date of receipt of the recommendation in which to agree to accept such services. If the employee elects to receive services, the carrier may refer the employee to a rehabilitation provider for such coordination or services within 15 days of receipt of the assessment report or notice of the employee's election, whichever is later.

(5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(a) Once the carrier has assigned a case to a qualified rehabilitation provider for medical care coordination or reemployment services, the provider shall develop a reemployment plan and submit the plan to the carrier and the employee for approval.

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives $2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the *Department of Education* ~~division~~ for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first $2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers' compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the *Department of Education* ~~division~~, in the manner prescribed by the *Department of Education* ~~division~~, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the *Department of Education* ~~division~~ as required by rule. Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(d) If medical care coordination or reemployment services have not been undertaken as prescribed in paragraph (3)(b), a qualified rehabilitation service provider, facility, or agency that performs a reemployment assessment shall not provide medical care coordination or reemployment services for the employees it assesses.

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the *Department of Education* ~~division~~ shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The *Department of Education* ~~division~~ may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule, that the reemployment plan is likely to result in return to suitable gainful employment. The *Department of Education* ~~division~~ is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education or other vocational services when necessary to satisfy the recommendation of a vocational evaluator. The *Department of Education* ~~division~~ shall establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs.

(b) When it appears that an employee who has attained maximum medical improvement requires training and education to obtain suitable gainful employment, the employer shall pay the employee additional temporary total compensation while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the *Department of Insurance* ~~division~~ from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the *Department of Education* ~~division~~ is subject to a 50-percent reduction in weekly compensation benefits, including wage-loss benefits, as determined under s. 440.15(3)(b).

(7) PROVIDER QUALIFICATIONS.—

(a) The *Department of Education* ~~division~~ shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *Department of Education* ~~division~~ shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *Department of Education* ~~division~~ shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the *Department of Education* ~~division~~. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *Department of Education* ~~division~~ with information requested or access necessary for the *Department of Education* ~~division~~ to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *Department of Education* ~~division~~ to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *Department of Education* ~~division~~, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

(8) CARRIER PRACTICES.—The *department* ~~division~~ shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).

(9) PERMANENT DISABILITY.—The judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or unless the carrier is given the opportunity to provide a reemployment assessment.

Section 47. Section 440.50, Florida Statutes, is amended to read:

440.50 Workers' Compensation Administration Trust Fund.—

(1)(a) There is established in the State Treasury a special fund to be known as the "Workers' Compensation Administration Trust Fund" for the purpose of providing for the payment of all expenses in respect to the administration of this chapter, including the vocational rehabilitation of injured employees as provided in s. 440.49 and the payments due under s. 440.15(1)(f), the funding of the fixed administrative expenses of the plan, and the funding of the Bureau of Workers' Compensation Fraud within the Department of Insurance. Such fund shall be administered by the *department* ~~division~~.

(b) The *department* ~~division~~ is authorized to transfer as a loan an amount not in excess of $250,000 from such special fund to the Special Disability Trust Fund established by s. 440.49(9), which amount shall be repaid to said special fund in annual payments equal to not less than 10 percent of moneys received for such Special Disability Trust Fund.

(2) The Treasurer is authorized to disburse moneys from such fund only when approved by the *department* ~~division~~ and upon the order of the Comptroller.

(3) The Treasurer shall deposit any moneys paid into such fund into such depository banks as the *department* ~~division~~ may designate and is authorized to invest any portion of the fund which, in the opinion of the *department* ~~division~~, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposit of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by him or her and placed to the credit of such fund.

(4) All civil penalties provided in this chapter, if not voluntarily paid, may be collected by civil suit brought by the *department* ~~division~~ and shall be paid into such fund.

Section 48. Section 440.51, Florida Statutes, is amended to read:

440.51 Expenses of administration.—

(1) The *department* ~~division~~ shall estimate annually in advance the amounts necessary for the administration of this chapter, in the following manner.

(a) The *department* ~~division~~ shall, by July 1 of each year, notify carriers and self-insurers of the assessment rate, which shall be based on the anticipated expenses of the administration of this chapter for the next calendar year. Such assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the Department of Insurance which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.

(b) The total expenses of administration shall be prorated among the carriers writing compensation insurance in the state and self-insurers. The net premiums collected by carriers and the amount of premiums calculated by the *department* ~~division~~ for self-insured employers are the basis for computing the amount to be assessed. When reporting deductible policy premium for purposes of computing assessments levied after July 1, 2001, full policy premium value must be reported prior to application of deductible discounts or credits. This amount may be assessed as a specific amount or as a percentage of net premiums payable as the *department* ~~division~~ may direct, provided such amount so assessed shall not exceed 2.75 percent, beginning January 1, 2001, except during the interim period from July 1, 2000, through December 31, 2000, such assessments shall not exceed 4 percent of such net premiums. The carriers may elect to make the payments required under s. 440.15(1)(f) rather than having these payments made by the *department* ~~division~~. In that event, such payments will be credited to the carriers, and the amount due by the carrier under this section will be reduced accordingly.

(2) The *department* ~~division~~ shall provide by regulation for the collection of the amounts assessed against each carrier. Such amounts shall be paid within 30 days from the date that notice is served upon such carrier. If such amounts are not paid within such period, there may be assessed for each 30 days the amount so assessed remains unpaid, a civil penalty equal to 10 percent of the amount so unpaid, which shall be collected at the same time and a part of the amount assessed. For those carriers who excluded ceded reinsurance premiums from their assessments prior to January 1, 2000, the *department* ~~division~~ shall not recover any past underpayments of assessments related to ceded reinsurance premiums prior to January 1, 2001, against such carriers.

(3) If any carrier fails to pay the amounts assessed against him or her under the provisions of this section within 60 days from the time such notice is served upon him or her, the Department of Insurance ~~upon being advised by the division~~ may suspend or revoke the authorization to insure compensation in accordance with the procedure in s. 440.38(3)(a). The *department* ~~division~~ may permit a carrier to remit any underpayment of assessments for assessments levied after January 1, 2001.

(4) All amounts collected under the provisions of this section shall be paid into the fund established in s. 440.50.

(5) Any amount so assessed against and paid by an insurance carrier, self-insurer authorized pursuant to s. 624.4621, or commercial self-insurance fund authorized under ss. 624.460-624.488 shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance carrier, self-insurer, or commercial self-insurance fund. Any insurance carrier claiming such a deduction against the amount of any such tax shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such deduction. Because deductions under this subsection are available to insurance carriers, s. 624.5091 does not limit such deductions in any manner.

(6)(a) The *department* ~~division~~ may require from each carrier, at such time and in accordance with such regulations as the *department* ~~division~~ may prescribe, reports in respect to all gross earned premiums and of all payments of compensation made by such carrier during each prior period, and may determine the amounts paid by each carrier and the amounts paid by all carriers during such period.

(b) The Department of Insurance may require from each self-insurer, at such time and in accordance with such regulations as the Department of Insurance prescribes, reports in respect to wages paid, the amount of premiums such self-insurer would have to pay if insured, and all payments of compensation made by such self-insurer during each prior period, and may determine the amounts paid by each self-insurer and the amounts paid by all self-insurers during such period. For the purposes of this section, the payroll records of each self-insurer shall be open to annual inspection and audit by the Department of Insurance or its authorized representative, during regular business hours; and if any audit of such records of a self-insurer discloses a deficiency in the amounts reported to the Department of Insurance or in the amounts paid to the Department of Insurance by a self-insurer pursuant to this section, the Department of Insurance may assess the cost of such audit against the self-insurer.

(7) The *department* ~~division~~ shall keep accumulated cost records of all injuries occurring within the state coming within the purview of this chapter on a policy and calendar-year basis. For the purpose of this chapter, a "calendar year" is defined as the year in which the injury is reported to the *department* ~~division~~; "policy year" is defined as that calendar year in which the policy becomes effective, and the losses under such policy shall be chargeable against the policy year so defined.

(8) The *department* ~~division~~ shall assign an account number to each employer under this chapter and an account number to each insurance carrier authorized to write workers' compensation insurance in the

state; and it shall be the duty of the *department* ~~division~~ under the account number so assigned to keep the cost experience of each carrier and the cost experience of each employer under the account number so assigned by calendar and policy year, as above defined.

(9) In addition to the above, it shall be the duty of the *department* ~~division~~ to keep the accident experience, as classified by the *department* ~~division~~, by industry as follows:

(a) Cause of the injury;

(b) Nature of the injury; and

(c) Type of disability.

(10) In every case where the duration of disability exceeds 30 days, the carrier shall establish a sufficient reserve to pay all benefits to which the injured employee, or in case of death, his or her dependents, may be entitled to under the law. In establishing the reserve, consideration shall be given to the nature of the injury, the probable period of disability, and the estimated cost of medical benefits.

(11) The *department* ~~division~~ shall furnish to any employer or carrier, upon request, its individual experience. ~~The division shall furnish to the Department of Insurance, upon request, the Florida experience as developed under accident year or calendar year.~~

(12) In addition to any other penalties provided by this law, the failure to submit any report or other information required by this law shall be just cause to suspend the right of a self-insurer to operate as such, or~~, upon certification by the division to the Department of Insurance that a carrier has failed or refused to furnish such reports,~~ shall be just cause for the Department of Insurance to suspend or revoke the license of such carrier.

(13) As used in s. 440.50 and this section, the term:

(a) "Plan" means the workers' compensation joint underwriting plan provided for in s. 627.311(4).

(b) "Fixed administrative expenses" means the expenses of the plan, not to exceed $750,000, which are directly related to the plan's administration but which do not vary in direct relationship to the amount of premium written by the plan and which do not include loss adjustment premiums.

(14) Before July 1 in each year, the plan shall notify the *department* ~~division~~ of the amount of the plan's gross written premiums for the preceding calendar year. Whenever the plan's gross written premiums reported to the *department* ~~division~~ are less than $30 million, the *department* ~~division~~ shall transfer to the plan, subject to appropriation by the Legislature, an amount not to exceed the plan's fixed administrative expenses for the preceding calendar year.

Section 49. Section 440.52, Florida Statutes, is amended to read:

440.52 Registration of insurance carriers; notice of cancellation or expiration of policy; suspension or revocation of authority.—

~~(1) Each insurance carrier who desires to write such compensation insurance in compliance with this chapter shall be required, before writing such insurance, to register with the division and pay a registration fee of $100. This shall be deposited by the division in the fund created by s. 440.50.~~

(1)~~(2)~~ A carrier or self-insurance fund that receives notice pursuant to s. 440.05 shall notify the contractor of the cancellation or expiration of the insurance.

(2)~~(3)~~ If the *department* ~~division~~ finds, after due notice and a hearing at which the insurance carrier is entitled to be heard in person or by counsel and present evidence, that the insurance carrier has repeatedly failed to comply with its obligations under this chapter, the *department* ~~division~~ may ~~request the Department of Insurance to~~ suspend or revoke the authorization of such insurance carrier to write workers' compensation insurance ~~under this chapter~~. Such suspension or revocation shall not affect the liability of any such insurance carrier under policies in force prior to the suspension or revocation.

(3)~~(4)~~ In addition to the penalties prescribed in subsection (3), violation of s. 440.381 by an insurance carrier shall result in the imposition of a fine not to exceed $1,000 per audit, if the insurance carrier fails to act on said audits by correcting errors in employee classification or accepted applications for coverage where it knew employee classifications were incorrect. Such fines shall be levied by the Department of Insurance and deposited into the Insurance Commissioner's Regulatory Trust Fund.

Section 50. Section 440.525, Florida Statutes, is amended to read:

440.525 Examination of carriers.~~—Beginning July 1, 1994,~~ The ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~ may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law~~, and shall examine each carrier not less frequently than once every 3 years~~. ~~The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after the end of the most recent fiscal year being covered by the examination.~~ The examination may cover any period of the carrier's operations since the last previous examination.

Section 51. Section 440.572, Florida Statutes, is amended to read:

440.572 Authorization for individual self-insurer to provide coverage.—An individual self-insurer having a net worth of not less than $250 million as authorized by s. 440.38(1)(f) may assume by contract the liabilities under this chapter of contractors and subcontractors, or each of them, employed by or on behalf of such individual self-insurer when performing work on or adjacent to property owned or used by the individual self-insurer by the *department* ~~division~~. The net worth of the individual self-insurer shall include the assets of the self-insurer's parent company and its subsidiaries, sister companies, affiliated companies, and other related entities, located within the geographic boundaries of the state.

Section 52. Section 440.59, Florida Statutes, is amended to read:

440.59 Reporting requirements.—

(1) The department ~~of Labor and Employment Security~~ shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

(2) The ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~ shall *periodically* complete ~~on a quarterly basis~~ an analysis of the ~~previous quarter's~~ injuries which resulted in workers' compensation claims *as deemed necessary by the department*. The analysis shall *include the information, data, and statistics deemed relevant by the department* ~~be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries~~. The *department* ~~division~~ shall *make available* ~~distribute~~ to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.

(3) The *department* ~~division~~ shall annually prepare a closed claim report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation on or before September 15 of each year. The closed claim report shall include *information, data, and statistics deemed relevant by the department*~~, but not be limited to, an analysis of all claims closed during the preceding year as to the date of accident, age of the injured employee, occupation of the injured employee, type of injury, body part affected, type and duration of indemnity benefits paid,~~

~~permanent impairment rating, medical benefits identified by type of health care provider, and type and cost of any rehabilitation benefits provided~~.

(4) The *department* ~~division~~ shall prepare an annual report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year. The annual report shall include *information, data, and statistics deemed relevant by the department* ~~a status report on all cases involving work-related injuries in the previous 10 years~~. ~~The annual report shall include, but not be limited to, the number of open and closed cases, the number of cases receiving various types of benefits, the cash and medical benefits paid between the date of injury and the evaluation date, the number of litigated cases, and the amount of attorney's fees paid in each case.~~

(5) The Chief Judge must prepare an annual report summarizing the disposition of mediation conferences and must submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year.

Section 53. Section 440.591, Florida Statutes, is amended to read:

440.591 Administrative procedure; rulemaking authority.—The *department, the agency, and the Department of Education have* ~~division has~~ authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

Section 54. Section 440.593, Florida Statutes, is amended to read:

440.593 Electronic reporting.—The *department* ~~division~~ may establish by rule an electronic reporting system whereby an employer or carrier is required to submit information electronically rather than by filing otherwise required forms or reports. The *department* ~~division~~ may by rule establish different deadlines for reporting information to the *department* ~~division~~ via the electronic reporting system than are otherwise required.

Section 55. Effective July 1, 2001, section 633.801, Florida Statutes, is created to read:

633.801 Short title.—Sections 633.801 through 633.825 may be cited as the "Florida Firefighter Occupational Safety and Health Act."

Section 56. Effective July 1, 2001, section 633.802, Florida Statutes, is created to read:

633.802 Definitions.—As used in ss. 633.801-633.825, unless the context clearly indicates otherwise, the term:

(1) "Department" means the Department of Insurance.

(2) "Division" means the Division of State Fire Marshal of the Department of Insurance.

(3) "Firefighter employee" means any person engaged in any employment, public or private, as a firefighter under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and responding to or assisting with fire and medical emergencies whether or not the firefighter is on duty, except those appointed under s. 590.02(1)(d).

(4) "Firefighter employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, and any person carrying on any employment thereof, which employs firefighters or which uses volunteer firefighters, except those appointed under s. 590.02(1)(d).

(5) "Firefighter employment" or "employment" means any service performed by a firefighter employee for the firefighter employer.

(6) "Place of firefighter employment" or "place of employment" means the physical location at which the firefighter is employed.

Section 57. Effective July 1, 2001, section 633.803, Florida Statutes, is created to read:

633.803 Legislative intent.—It is the intent of the Legislature to enhance firefighter occupational safety and health in this state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter occupational diseases, and firefighter fatalities compensable under chapter 440 or otherwise. The Legislature further intends that the division develop a means by which it can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers, and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer the provisions of ss. 633.801-633.825; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in ss. 633.801-633.825.

Section 58. Effective July 1, 2001, section 633.804, Florida Statutes, is created to read:

633.804 Safety inspections, consultations; rules.—The division shall adopt rules governing the manner, means, and frequency of firefighter employer and firefighter employee safety inspections and consultations by all insurers and self-insurers.

Section 59. Effective July 1, 2001, section 633.805, Florida Statutes, is created to read:

633.805 Division to make study of firefighter occupational diseases, etc.—The division shall make a continuous study of firefighter occupational diseases and the ways and means for their control and prevention and shall make and enforce necessary regulations for such control. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.

Section 60. Effective July 1, 2001, section 633.806, Florida Statutes, is created to read:

633.806 Investigations by the division; refusal to admit; penalty.—

(1) The division shall make studies and investigations with respect to safety provisions and the causes of firefighter injuries in places of firefighter employment, and shall make to the Legislature and firefighter employers and insurers such recommendations as it considers proper as to the best means of preventing firefighter injuries. In making such studies and investigations, the division may:

(a) Cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any place of firefighter employment covered by ss. 633.801-633.825, or any agency or department of the state engaged in enforcing any law to assure safety for firefighter employees.

(b) Allow any such agency or department to have access to the records of the division.

(2) The division by rule may adopt procedures for conducting investigations of firefighter employers under ss. 633.801-633.825.

Section 61. Effective July 1, 2001, section 633.807, Florida Statutes, is created to read:

633.807 Safety; firefighter employer responsibilities.—Every firefighter employer shall furnish to firefighters employment that is safe for the firefighter employees, furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety" as applied to any employment or place of firefighter employment mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

Section 62. Effective July 1, 2001, section 633.808, Florida Statutes, is created to read:

633.808 Division authority.—The division shall:

(1) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents in every place of firefighter employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such places of firefighter employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighters engaged in interior firefighting, and the prevention of occupational diseases.

(2) Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of places of firefighter employment as shall render them safe. Such rules and standards must be adopted in accordance with chapter 120.

(3) Assist firefighter employers in the development and implementation of firefighter employee safety training programs by contracting with professional safety organizations.

(4) Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include rules for maintaining a log and summary of occupational injuries, diseases, and illnesses and for producing on request a notice of injury and firefighter employee accident investigation records, and rules prescribing a retention schedule for such records.

Section 63. Effective July 1, 2001, section 633.810, Florida Statutes, is created to read:

633.810 Firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries.—The division shall develop a means by which it can identify individual firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries. The division shall carry out safety inspections of the facilities and operations of these firefighter employers in order to assist them in reducing the frequency and severity of work-related injuries. The division shall develop safety and health programs for those firefighter employers. Insurers shall distribute these safety and health programs to the firefighter employers so identified by the division. Those firefighter employers identified by the division as having a high frequency or severity of work-related injuries shall implement a division-developed safety and health program. The division shall carry out safety inspections of those firefighter employers so identified to ensure compliance with the safety and health program and to assist such firefighter employers in reducing the number of work-related injuries. The division may not assess penalties as the result of such inspections, except as provided by s. 633.813. Copies of any report made as the result of such an inspection must be provided to the firefighter employer and its insurer. Firefighter employers may submit their own safety and health programs to the division for approval in lieu of using the division-developed safety and health program. The division must promptly review the program submitted and approve or disapprove it. Upon approval by the division, the program must be implemented by the firefighter employer. If the program is not approved or if a program is not submitted, the firefighter employer must implement the division-developed program. The division shall adopt rules setting forth the criteria for safety and health programs, as such rules relate to this section.

Section 64. Effective July 1, 2001, section 633.812, Florida Statutes, is created to read:

633.812 Workplace safety committees and safety coordinators.—

(1) In order to promote health and safety in places of firefighter employment in this state:

(a) Each firefighter employer of 20 or more firefighter employees shall establish and administer a workplace safety committee in accordance with rules adopted under this section.

(b) Each firefighter employer of fewer than 20 firefighter employees that is identified by the division as having a high frequency or severity of work-related injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator who shall establish and administer workplace safety activities in accordance with rules adopted under this section.

(2) The division shall adopt rules:

(a) Prescribing the membership of the workplace safety committees so as to ensure an equal number of firefighter employee representatives, who are volunteers or are elected by their peers, and of firefighter employer representatives and specifying the frequency of meetings.

(b) Requiring firefighter employers to make adequate records of each meeting and to file and maintain the records subject to inspection by the division.

(c) Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator, which include, but are not limited to:

1. Establishing procedures for workplace safety inspections by the committee.

2. Establishing procedures investigating all workplace accidents, safety-related incidents, illnesses, and deaths.

3. Evaluating accident prevention and illness prevention programs.

4. Prescribing guidelines for the training of workplace safety committee members.

(3) The composition, selection, and function of workplace safety committees shall be a mandatory topic of negotiations with any certified collective bargaining agent for firefighter employers that operate under a collective bargaining agreement. Firefighter employers that operate under a collective bargaining agreement that contains provisions regulating the formation and operation of workplace safety committees that meet or exceed the minimum requirements contained in this section, or that otherwise have existing workplace safety committees that meet or exceed the minimum requirements established by this section, are in compliance with this section.

(4) Firefighter employees must be compensated at their regular hourly wages while engaged in workplace safety committee or workplace safety coordinator training, meetings, or other duties prescribed under this section.

Section 65. Effective July 1, 2001, section 633.813, Florida Statutes, is created to read:

633.813 Firefighter employer penalties.—If any firefighter employer violates or fails or refuses to comply with ss. 633.801-633.825, any rule adopted by the division in accordance with chapter 120 for the prevention of injuries, accidents, or occupational diseases, or any lawful order of the division in connection with ss. 633.801-633.825, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by the division under ss. 633.801-633.825 for the prevention of accidents or occupational diseases, the division may assess against the firefighter employer a civil penalty of not less than $100 nor more than $5,000 for each day the violation, failure, or refusal continues after the firefighter employer has been given notice thereof in writing. The total penalty for each violation may not exceed $50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity, or both, of safety violations. A hearing must be held in the county where the violation, failure, or refusal is alleged to have occurred unless otherwise agreed to by the firefighter employer and authorized by the division. All penalties assessed and collected under this section shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 66. Effective July 1, 2001, section 633.814, Florida Statutes, is created to read:

633.814 Division cooperation with Federal Government; exemption from division requirements.—

(1) The division shall cooperate with the Federal Government so that duplicate inspections will be avoided yet assure safe places of firefighter employment for the citizens of this state.

(2) Except as provided in this section, a private firefighter employer is not subject to the requirements of the division if:

(a) The private firefighter employer is subject to the federal regulations in 29 C.F.R. ss. 1910 and 1926;

(b) The private firefighter employer has adopted and implemented a written safety program that conforms to the requirements of 29 C.F.R. ss. 1910 and 1926;

(c) A private firefighter employer with 20 or more full-time firefighter employees includes provisions for a workplace safety committee in its safety program. The workplace safety committee must include firefighter employee representation and must meet at least once each calendar quarter. The private firefighter employer must make adequate records of each meeting and maintain the records subject to inspections under subsection (3). The workplace safety committee shall, if appropriate, make recommendations regarding improvements to the safety program and corrections of hazards affecting workplace safety; and

(d) The private firefighter employer provides the division with a written statement that certifies compliance with this subsection.

(3) The division may enter at any reasonable time any place of firefighter employment for the purpose of verifying the accuracy of the written certification required pursuant to paragraph (2)(d). If the division determines that the firefighter employer has not complied with the requirements of subsection (2), the firefighter employer shall be subject to the rules of the division until the firefighter employer complies with subsection (2) and recertifies that fact to the division.

(4) This section shall not restrict the division from performing any duties pursuant to a written contract between the division and the federal Occupational Safety and Health Administration (OSHA).

Section 67. Effective July 1, 2001, section 633.815, Florida Statutes, is created to read:

633.815 Failure to implement a safety and health program; cancellations.—If a firefighter employer that is found by the division to have a high frequency or severity of work-related injuries fails to implement a safety and health program, the insurer or self-insurer's fund that is providing coverage for the firefighter employer may cancel the contract for insurance with the firefighter employer. In the alternative, the insurer or fund may terminate any discount or deviation granted to the firefighter employer for the remainder of the term of the policy. If the contract is canceled or the discount or deviation is terminated, the insurer must make such reports as are required by law.

Section 68. Effective July 1, 2001, section 633.816, Florida Statutes, is created to read:

633.816 Expenses of administration.—The amounts that are needed to administer ss. 633.801-633.825 shall be disbursed from the Insurance Commissioner's Regulatory Trust Fund.

Section 69. Effective July 1, 2001, section 633.817, Florida Statutes, is created to read:

633.817 Refusal to admit; penalty.—The division and its authorized representatives may enter and inspect any place of firefighter employment at any reasonable time for the purpose of investigating compliance with ss. 633.801-633.825 and conducting inspections for the proper enforcement of ss. 633.801-633.825. A firefighter employer who refuses to admit any member of the division or its authorized representative to any place of employment or to allow investigation and inspection pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 70. Effective July 1, 2001, section 633.818, Florida Statutes, is created to read:

633.818 Firefighter employee rights and responsibilities.—

(1) Each firefighter employee of a firefighter employer covered under ss. 633.801-633.825 shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

(2) A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any manner discriminate against a firefighter employee for any of the following reasons:

(a) The firefighter employee has testified or is about to testify, on her or his own behalf or on behalf of others, in any proceeding instituted under ss. 633.801-633.825;

(b) The firefighter employee has exercised any other right afforded under ss. 633.801-633.825; or

(c) The firefighter employee is engaged in activities relating to the workplace safety committee.

(3) Neither pay, position, seniority, nor other benefit may be lost for exercising any right under, or for seeking compliance with any requirement of, ss. 633.801-633.825.

Section 71. Effective July 1, 2001, section 633.819, Florida Statutes, is created to read:

633.819 Compliance.—Failure of a firefighter employer or an insurer to comply with ss. 633.801-633.825 or with any rules adopted thereunder constitutes grounds for the division to seek remedies, including injunctive relief, for noncompliance by making appropriate filings with the circuit court.

Section 72. Effective July 1, 2001, section 633.820, Florida Statutes, is created to read:

633.820 False statements to insurers.—A firefighter employer who knowingly and willfully falsifies or conceals a material fact, makes a false, fictitious, or fraudulent statement or representation, or makes or uses any false document knowing the document to contain any false, fictitious, or fraudulent entry or statement to an insurer of workers' compensation insurance under ss. 633.801-633.825 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 73. Effective July 1, 2001, section 633.823, Florida Statutes, is created to read:

633.823 Matters within jurisdiction of the division; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—A person may not, in any matter within the jurisdiction of the division, knowingly and willfully falsify or conceal a material fact; make any false, fictitious, or fraudulent statement or representation; or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The statute of limitations for prosecution of an act committed in violation of this section is 5 years after the date the act was committed or, if not discovered within 30 days after the act was committed, 5 years after the date the act was discovered.

Section 74. Effective July 1, 2001, section 633.824, Florida Statutes, is created to read:

633.824 Volunteer firefighters; volunteer fire departments.—Sections 633.803-633.825 apply to volunteer firefighters and volunteer fire departments.

Section 75. Effective July 1, 2001, section 633.825, Florida Statutes, is created to read:

633.825 Workplace safety.—

(1) The division shall assist in making places of firefighter employment safer places to work and decreasing the frequency and severity of work-related injuries.

(2) The division shall have the authority to adopt rules for the purpose of assuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, assisting and encouraging firefighter employers to maintain safe working conditions, and providing for education and training in the field of safety. Specifically, the division may by rule adopt all or any part of subparts C through T and subpart Z of 29 C.F.R. part 1910 as revised April 8, 1998; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

(3) With respect to 29 C.F.R. s. 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional rule, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):

(a) Each county, municipality, or special district shall implement such provision by April 1, 2002, except as provided in paragraph (b).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional 6 months within which to implement such provision. Such county, municipality, or special district shall notify the division that the 6-month extension to implement such provision is in effect in such county, municipality, or special district within 30 days after its decision to extend the time for an additional 6 months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If, after the extension granted in paragraph (b), the county, municipality, or special district, after having worked with and cooperated fully with the division and the Firefighters Employment, Standards, and Training Council, is still unable to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall be exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter the division shall review each such county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds. If the division determines that any county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, the division shall require such county, municipality, or special district to implement such provision. Such requirement by the division under this paragraph constitutes final agency action subject to chapter 120.

(4) The provisions of chapter 440 which pertain to workplace safety shall be applicable to the division.

(5) The division shall have the authority to adopt any rule necessary to implement, interpret, and make specific the provisions of this section; however, the division may not adopt by rule any other standard or standards of the Occupational Safety and Health Administration or the National Fire Protection Association without specific legislative authority.

Section 76. Paragraph (c) of subsection (3) of section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden Infant Death Syndrome.—

(3) TRAINING.—

(c) The Department of Health, in consultation with the Emergency Medical Services Advisory Council, the Firefighters *Employment,* Standards, and Training Council, and the Criminal Justice Standards and Training Commission, shall develop and adopt, by rule, curriculum that, at a minimum, includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance.

Section 77. Subsection (4) of section 633.30, Florida Statutes, is amended to read:

633.30 Standards for firefighting; definitions.—As used in this chapter:

(4) "Council" means the Firefighters *Employment,* Standards, and Training Council.

Section 78. Effective July 1, 2001, subsections (1) and (2) of section 633.31, Florida Statutes, are amended to read:

633.31 Firefighters *Employment,* Standards, and Training Council.—

(1) There is created within the Department of Insurance a Firefighters *Employment,* Standards, and Training Council of *thirteen* ~~nine~~ members appointed by the State Fire Marshal. Two members shall be fire chiefs *who shall be appointed by the Florida Fire Chiefs Association*, two members shall be firefighters who are not officers *who shall be appointed by the Florida Professional Firefighters' Association*, two members shall be firefighter officers who are not fire chiefs *who shall be appointed by the State Fire Marshal, one member shall be appointed by the Florida League of Cities, one member shall be appointed by the Florida Association of Counties, one member shall be appointed by the Florida Association of Special Districts, one member shall be appointed by the Florida Fire Marshal's Association, one member shall be appointed by the State Fire Marshal*, and one member shall be a director or instructor of a state-certified firefighting training facility *who shall be appointed by the State Fire Marshal*. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining *member, who shall be appointed by the State Fire Marshal,* ~~two members~~ shall not be *a member or representative* ~~members~~ of the firefighting profession *or of any local government*. Members shall serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.

(2) ~~Initially, the State Fire Marshal shall appoint three members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter,~~ Members shall be appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.

Section 79. Subsection (4) of section 633.32, Florida Statutes, is amended to read:

633.32 Organization; meetings; quorum; compensation; seal.—

(4) The council may adopt a seal for its use containing the words "Firefighters *Employment,* Standards, and Training Council."

Section 80. Subsections (4) and (5) of section 633.33, Florida Statutes, are amended to read:

633.33 Special powers; firefighter training.—The council shall have special powers in connection with the employment and training of firefighters to:

(4) Consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the *employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire and at the scene of any incident related to emergency services to which a firefighter responds,* development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of fire science, fire technology, fire administration, and all allied and supporting fields.

(5) Make or support studies on any aspect of firefighting *employment,* education, and training or recruitment.

Section 81. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ an Unemployment Appeals Commission, hereinafter referred to as the "commission." The commission shall consist of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Not more than one appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employers; and not more than one such appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employees.

(a) The chair shall devote his or her entire time to commission duties and shall be responsible for the administrative functions of the commission.

(b) The chair shall have the authority to appoint a general counsel and such other personnel as may be necessary to carry out the duties and responsibilities of the commission.

(c) The chair shall have the qualifications required by law for a judge of the circuit court and shall not engage in any other business vocation or employment. Notwithstanding any other provisions of existing law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members shall also be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~.

(5) The commission shall not be subject to control, supervision, or direction by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ in the performance of its powers and duties under this chapter.

Section 82. Subsection (12) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(12) COMMISSION.—"Commission" means the Unemployment Appeals Commission ~~of the Department of Labor and Employment Security~~.

Section 83. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term "department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 84. Subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of *Management Services* ~~Labor and Employment Security~~ the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. ~~Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter,~~ Every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

Section 85. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 86. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) "Department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 87. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) "Department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 88. Subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(a) Advise and consult with employers of migrant workers as to the ways and means of improving living conditions of seasonal workers;

(b) Cooperate with the Department of Health in establishing minimum standards of preventive and curative health and of housing and sanitation in migrant labor camps and in making surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps;

(c) Provide coordination for the enforcement of ss. 381.008-381.0088;

(d) Cooperate with the other departments of government in coordinating all applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments, wage claims, and crew leaders;

(e) Cooperate with the Department of Education to provide educational facilities for the children of migrant laborers;

(f) Cooperate with the Department of Highway Safety and Motor Vehicles to establish minimum standards for the transporting of migrant laborers;

(g) Cooperate with the Department of Agriculture and Consumer Services to conduct an education program for employers of migrant laborers pertaining to the standards, methods, and objectives of the office;

(h) Cooperate with the Department of Children and Family Services in coordinating all public assistance programs as they may apply to migrant laborers;

(i) Coordinate all federal, state, and local programs pertaining to migrant laborers; *and*

(j) Cooperate with the farm labor office of the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 89. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days of initiation or termination notify its workers' compensation insurance carrier, the *Department of Insurance* ~~Division of Workers' Compensation~~, and the Division of Unemployment Compensation of the Department of *Revenue* ~~Labor and Employment Security~~ of both the initiation or the termination of the company's relationship with any client company.

Section 90. Subsections (1) and (5) of section 624.3161, Florida Statutes, are amended to read:

624.3161 Market conduct examinations.—

(1) As often as it deems necessary, the department shall examine each licensed rating organization, each advisory organization, each group, association *carrier as defined in s. 440.02,*, or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of chapter 627 are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of chapters *440,* 624, 626, 627, and 635.

(5) Such examinations shall also be subject to the applicable provisions of ss. 624.318, 624.319, 624.321, and 624.322 *and chapter 440*.

Section 91. Paragraph (m) of subsection (1) of section 626.88, Florida Statutes, is amended to read:

626.88 Definitions of "administrator" and "insurer".—

(1) For the purposes of this part, an "administrator" is any person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1), other than any of the following persons:

(m) A person approved by the *Department of Insurance* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ who administers only self-insured workers' compensation plans.

Section 92. Subsection (9) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Division of Insurance Fraud of the Department of Insurance *is* ~~and the Division of Workers' Compensation of the Department of Labor and Employment Security are~~ directed to prepare and submit a ~~joint~~ performance report to the President of the Senate and the Speaker of the House of Representatives by November 1 of each year for each of the next 2 years, and then every 3 years thereafter, describing the results obtained in achieving compliance with the workers' compensation coverage requirements and reducing the incidence of workers' compensation fraud.

Section 93. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~ or implement a safety program *pursuant to provisions of the rating plan* ~~approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security~~ or implement both a drug-free workplace program and a safety program. ~~The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit.~~ The plans must ~~take effect January 1, 1994, must~~ be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.

Section 94. Subsection (5) of section 627.914, Florida Statutes, is amended to read:

627.914 Reports of information by workers' compensation insurers required.—

(5) Self-insurers authorized to transact workers' compensation insurance as provided in s. 440.02 shall report only Florida data as prescribed in paragraphs (a)-(e) of subsection (4) to the *department* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~.

(a) The *department* ~~Division of Workers' Compensation~~ shall publish the dates and forms necessary to enable self-insurers to comply with this section.

~~(b) The Division of Workers' Compensation shall report the information collected under this section to the Department of Insurance in a manner prescribed by the department.~~

(b)~~(c)~~ A statistical or rating organization may be used by self-insurers for the purposes of reporting the data required by this section and calculating experience ratings.

Section 95. *All powers, duties, responsibilities, obligations, liabilities, assets and definitions currently under part V of chapter 631, Florida Statutes, consisting of sections 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, Florida Statutes, are transferred to the Florida Insurance Guaranty Association established in part II of chapter 531, Florida Statutes. For purposes of administration and assessment, a separate account shall be established.*

Section 96. *Part V of chapter 631, Florida Statutes, consisting of sections 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, Florida Statutes, is repealed.*

Section 97. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 98. *To the extent that any conflict exists between this act and the provisions of SB 1926, or similar legislation, which transfers the Office of Judges of Compensation Claims to the Division of Administration Hearings, the provisions of SB 1926 or the similar legislation shall control.*

Section 99. Unless otherwise expressly provided for in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, the Department of Management Services, and the Department of Insurance; transferring certain

rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; providing an appropriation; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; transferring all powers, duties, liabilities, assets, and definitions under part V of chapter 631, F.S., related to the Florida Workers' Compensation Insurance Guaranty Association, to the Florida Insurance Guaranty Association established in part II of chapter 631, F.S.; repealing ss. 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, 631.927, 631.928, 631.929, 631.931, and 631.932, F.S.; related to the Florida Workers' Compensation Insurance Guaranty Association; specifying controlling legislation in the event of a conflict; providing effective dates.

On motion by Senator Clary, by two-thirds vote **HB 1655** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Holzendorf	Miller

CONFERENCE COMMITTEE REPORT ON CS FOR SB 466

The Honorable John M. McKay May 3, 2001
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 466, same being:

An act relating to Public employment

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from House Amendment 1 to CS for SB 466.

2. That the Senate and the House of Representatives adopt Conference Committee Amendment 1 to CS for SB 466, attached hereto and by reference, made a part of this report.

3. That the Senate and the House of Representatives pass CS for SB 466 as amended by said Conference Committee Amendment.

s/Rudy Garcia
Chairman
s/Lisa Carlton
s/Alfred "Al" Lawson, Jr.
s/Bill Posey
s/Rod Smith
Managers on the part of the Senate

s/Mario Diaz-Balart
Vice Chairman
s/Frederick C. Brummer
s/Gaston I. Cantens
s/Bruce Kyle
s/John P. Seiler
Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

The Conference Committee Amendment for CS for SB 466 accepts the Senate position on retention of the current law standard of just cause as a disciplinary standard, and maintenance of the burden or proof on the public employer. It modifies the employee grievance process to reduce time frames for completion but limits the ability of a hearing tribunal to mitigate the actions of the agency head.

The Conference Committee Amendment eliminates the special master in labor impasse proceedings and changes the legislative disposition of labor and management disagreements.

The House recedes from its positions on changes to affirmative action and decertification of a police labor union. It further accedes to two Senate positions on developing federally approved tax shelters for accrued leave payments and alternative retirement plans for casual labor employees.

The Senate recedes from its position on management pay tied to performance and accedes to the House positions on the transfer of PERC to the Department of Management Services and on limitations in the use of casual labor (OPS).

The Senate accepts a House position on a smaller and less formalized advisory body for private sector management review of career service changes.

The Conference Committee Amendment coordinates the payment of employee incentives with policies established in the Appropriations Bill and permits year-end redemption of annual leave.

Alternative language is incorporated in the Conference Committee Amendment to specify the conditions under which the public employer will pay for work-related training in public universities and community colleges.

The Conference Committee Amendment provides for the transfer of some 16,000 management, supervisory, and confidential employees from the Career Service System to the Selected Exempt Service System and raises the formula from .5 percent to 1 percent of career service positions which may be placed in this Senior Management Service Class.

Conference Committee Amendment 1 (172259)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (h) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110.~~ The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

Section 2. *Sections 110.108 and 110.109, Florida Statutes, are repealed.*

Section 3. Section 110.1091, Florida Statutes, is amended to read:

110.1091 Program for assisting state employees; confidentiality.—*An* ~~Each~~ employing state agency may provide a program to assist any *of its* state *employees* ~~employee~~ who *have* ~~has~~ a behavioral or medical disorder, substance abuse problem, or emotional difficulty *that* ~~which~~ affects *their* ~~the employee's~~ job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. *Section 110.1095, Florida Statutes, is repealed.*

Section 5. Effective July 1, 2001, section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice *demands* ~~demand~~ continuous educational and training opportunities, *a* state *employee* ~~employees~~ may be authorized to receive *a voucher or grant, for matriculation fees,* ~~fundable tuition waivers on a space-available basis or vouchers~~ to attend work-related courses at public *community colleges, public technical centers, or public* universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours. *The department may implement the provisions of this section from funds appropriated to the department for this purpose. In the event insufficient funds are appropriated to the department, each state agency may supplement these funds to support the training and education needs of its employees from funds appropriated to the agency.*

(2) The department, in conjunction with the agencies, shall request that *public universities* ~~such institutions~~ provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, *an employee* ~~employees~~ may be authorized to take paid time off during *his or her* ~~their~~ regular working hours for training and career development, as provided in s. 110.105(1), if such training benefits the employer *as determined by that employee's agency head*.

(3) *An employee* ~~Employees~~ who *exhibits* ~~exhibit~~ superior aptitude and performance may be authorized *by that employee's agency head* to

take *a* paid educational *leave* ~~leaves~~ of absence for up to 1 academic year at a time, for specific approved work-related education and training. *That employee*

~~(4) Such employees~~ must enter into *a contract* ~~contracts~~ to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during *his or her* ~~their~~ educational *leave* ~~leaves~~ of absence.

~~(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.~~

(4)~~(6)~~ As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds $1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not *to exceed* ~~exceeding~~ 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires *an* ~~the~~ employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public technical centers, and public universities, shall adopt rules to administer this section.

Section 6. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency shall designate *those employee* ~~such of its~~ positions *that* ~~of state employment which~~, because of the special trust or responsibility or sensitive location of *those* ~~such~~ positions, require that persons occupying *those* ~~such~~ positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 7. Effective January 1, 2002, subsection (2) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996,~~ is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996.~~ An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other-personal-services position.

Section 8. Section 110.1245, Florida Statutes, is amended to read:

110.1245 *Savings sharing program; bonus payments; other awards* ~~Meritorious service awards program.—~~

(1)*(a)* The Department of Management Services shall *adopt rules that prescribe* ~~set policy, develop~~ procedures~~,~~ and promote a *savings sharing* program *for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, if such proposals are placed in effect and may be implemented under current statutory authority.* ~~of meritorious service awards, incentives, and recognition to employees who:~~

~~(a) Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or~~

(b) *Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission.* ~~By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.~~

(c) Each ~~Every~~ state agency, unless otherwise provided by law, *may* ~~shall~~ participate in the program. The Chief Justice shall have the authority to establish a *savings sharing* ~~meritorious service awards~~ program for employees of the judicial branch within the parameters established in this section. The ~~component of the~~ program ~~specified in paragraph (a)~~ shall apply to all employees within the Career Service ~~System~~, the Selected Exempt Service ~~System~~, and comparable employees within the judicial branch. ~~The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to $25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed $1,000 plus applicable taxes per individual employee. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of $100 each plus applicable taxes.~~

(d)~~(2)~~ The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the *savings sharing* ~~meritorious service awards~~ program. The information *shall* ~~must~~ include, but is not limited to:

1.~~(a)~~ The number of proposals made.

2.~~(b)~~ The number of *dollars and* awards made to employees *or groups* for adopted proposals.

3.~~(c)~~ The actual cost savings realized as a result of implementing employee *or group* proposals.

4. The number of employees or groups recognized for superior accomplishments.

~~(d) Total expenditures incurred by the agency for providing awards to employees for adopted proposals.~~

~~(e) The number of employees recognized for superior accomplishments.~~

~~(f) The number of employees recognized for satisfactory service to the state.~~

(2) In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted no later than September 15 of each year and approved by the Office of Policy and Budget in the Executive Office of the Governor. Such plan shall include, at a minimum, but is not limited to:

(a) A statement that bonuses are subject to specific appropriation by the Legislature.

(b) Eligibility criteria as follows:

1. The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.

2. The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.

3. The employee must have had no sustained disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.

4. The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.

5. The employee must have demonstrated initiative in work and have exceeded normal job expectations.

6. The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.

(c) A periodic evaluation process of the employee's performance.

(d) Peer input to account for at least 40 percent of the bonus award determination.

(e) A division of the agency by work unit for purposes of peer input and bonus distribution.

(f) A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of $100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of *$100* ~~$50~~ each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed $100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 9. *Section 110.1246, Florida Statutes, is repealed.*

Section 10. Subsections (1) and (2) of section 110.129, Florida Statutes, are amended to read:

110.129 Services to political subdivisions.—

(1) Upon request, the department may enter into *a* formal *agreement* ~~agreements~~ with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of *that* ~~such~~ municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance *includes* ~~may include~~, but *is* ~~shall~~ not ~~be~~ limited to, *providing* technical advice, written reports, *or* ~~and~~ other information or materials *that* ~~and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

Section 11. Effective July 1, 2001, subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an agency for any individual requires *a recommendation by* ~~the approval of~~ the agency head *and approval by the Executive Office of the Governor* ~~or a designee~~. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, ~~or~~ bona fide, degree-seeking students in accredited secondary or postsecondary educational programs*, employees hired to deal with an emergency situation that affects the public health, safety, or welfare, or employees hired for a project that is identified by a specific appropriation or time-limited grant*.

Section 12. Subsections (11), (18), and (19) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) "Pay plan" means a formal description of the philosophy, methods, procedures, and salary *schedules* ~~schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) "Promotion" means ~~the~~ changing ~~of~~ the classification of an employee to a class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) "Demotion" means ~~the~~ changing ~~of~~ the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

Section 13. Effective July 1, 2001, subsections (22), (23), and (24) of section 110.203, Florida Statutes, are amended, and subsections (28), (29), and (30) are added to said section, to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) "Dismissal" means a disciplinary action taken by an agency *pursuant to s. 110.227* against an employee resulting in termination of his or her employment ~~for a violation of agency standards or for cause pursuant to s. 110.227~~.

(23) "Suspension" means a disciplinary action taken by an agency *pursuant to s. 110.227* against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay ~~for violation of agency standards or for cause pursuant to s. 110.227~~.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency*, including the outsourcing or privatization of an activity or function previously performed by career service employees*.

(28) "Firefighter" means a firefighter certified under chapter 633.

(29) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

(30) "Professional health care provider" means registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468.

Section 14. Section 110.2035, Florida Statutes, is created to read:

110.2035 Classification and compensation program.—

(1) The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a

classification and compensation program. This program shall be developed for use by all state agencies and shall address Career Service, Select Exempt Service, and Senior Management Service classes.

(2) The program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a 6-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.

(6) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

(a) Shift differentials.

(b) On-call fees.

(c) Hazardous-duty pay.

(d) Advanced appointment rates.

(e) Salary increase and decrease corrections.

(f) Lead-worker pay.

(g) Temporary special duties pay.

(h) Trainer-additive pay.

(i) Competitive area differentials.

(j) Coordinator pay.

(k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

Section 15. Subsection (2) of section 110.205, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions *that* ~~which~~ are not covered by this part include the following~~, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service~~:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions *that* ~~which~~ are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each

separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in sub-subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o)1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions ~~except for such positions in the Department of Transportation~~; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(u) Positions *that* ~~which~~ are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(v) Effective July 1, 2001, managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and

directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support, attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

(7) CARRYING LEAVE FORWARD.—If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave, unused sick leave, and unused compensatory leave shall carry forward with the employee.

Section 16. *Effective June 30, 2002, sections 110.207 and 110.209, Florida Statutes, are repealed.*

Section 17. Section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be *carried out in the sound discretion of the agency head* ~~the responsibility of the employing agency~~.

(3) *Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data.* ~~The department shall provide for executive-level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

~~(4) An application for a publicly announced vacancy must be made directly to the employing agency.~~

(4)~~(5)~~ All recruitment literature ~~printed after July 1, 1979,~~ involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

~~(6) The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 18. Section 110.213, Florida Statutes, is amended to read:

110.213 Selection.—

~~(1) The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

~~(2) Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

(1)~~(3)~~ Selection for appointment from among the most qualified *candidates* ~~available eligibles~~ shall be the *sole* responsibility of the employing agency. *Effective July 1, 2001, all new employees must successfully complete at least a 1-year probationary period before attainment of permanent status.*

(2) Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.

~~(4) The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 19. Effective July 1, 2001, subsection (6) is added to section 110.219, Florida Statutes, and, effective January 1, 2002, subsection (7) is added to said section, to read:

110.219 Attendance and leave; general policies.—

(6) The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Select Exempt Service.

(7) Each December, a permanent career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:

(a) A permanent career service employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.

(b) No permanent career service employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.

Section 20. Section 110.224, Florida Statutes, is amended to read:

110.224 *Public employee* ~~Review and~~ performance *evaluation* ~~planning~~ system.—A *public employee* ~~review and~~ performance *evaluation* ~~planning~~ system shall be established as a basis for *evaluating and* improving the performance of the state's workforce, ~~to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals;~~ to inform employees of strong and weak points in the employee's performance, *to identify* ~~improvements expected, and current and future~~ training needs*, and to award lump-sum bonuses in accordance with s. 110.1245(2)*~~; and to assist in determining the order of layoff and reemployment~~.

(1) Upon original appointment, promotion, demotion, or reassignment, *a job description of the position assigned* ~~each career service employee~~ must be *made available to the career service employee* ~~given a statement of the work expectations and performance standards applicable to the position~~. The *job description may be made available in an electronic format.* ~~statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(2) Each *employee must have a* ~~employee's~~ performance *evaluation* ~~must be reviewed~~ at least annually, and the employee must receive an oral and written assessment of his or her performance *evaluation*. The *performance evaluation* ~~assessment~~ may include a plan of ~~corrective~~ action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position *as determined by the agency head*.

(3) The department may adopt rules to administer the *public employee* ~~review and~~ performance *evaluation* ~~planning~~ system which establish procedures for performance evaluation, ~~procedures to be followed in case of failure to meet performance standards,~~ review periods, and forms.

Section 21. Subsections (2) and (3) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers, firefighters, or professional health care providers, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping." For the implementation of layoffs as defined in s. 110.203, the department shall develop rules requiring that consideration be given to comparative merit, demonstrated skills, and the employee's experience.* Such rules shall be approved by the Administration Commission prior to their adoption by the department.

(3)(a) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers,* when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

(b) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers,* layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.

Section 22. Effective July 1, 2001, subsections (1), (4), (5), (6), and (7) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee who has permanent status in the career service may ~~only~~ be suspended or dismissed *only* for cause. Cause shall include, but *is* not ~~be~~ limited to, *poor performance,* negligence, inefficiency or inability to perform assigned duties, insubordination, ~~willful~~ violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime ~~involving moral turpitude~~. *The* ~~Each~~ agency head shall ensure that all employees of the agency *have reasonable access to the agency's personnel manual* ~~are completely familiar with the agency's established procedures on disciplinary actions and grievances~~.

(4) *A grievance process shall be available to permanent career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. The following procedures shall apply to any grievance filed pursuant to this subsection:*

(a) Step One.—The employee may submit a signed, written grievance on a form provided by the agency to his or her supervisor within 7 calendar days following the occurrence of the event giving rise to the grievance. The supervisor must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance.

(b) Step Two.—If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the agency head or his or her designee within 2 business days following the meeting with his or her supervisor. The agency head or his or her designee must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance. The agency head or his or her designee must respond in writing to the employee within 5 business days following the meeting. The written decision of the agency head shall be the final authority for all grievances filed pursuant to this subsection. Such grievances may not be appealed beyond Step Two. ~~Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.~~

(5)(a) *A* ~~Any~~ permanent career service employee who is subject to *a* suspension*, reduction in pay, demotion,* or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *Such actions shall be appealable to the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed by the employee with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee.* ~~An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.~~

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph *may appeal to* ~~shall be entitled to a hearing before~~ the Public Employees Relations Commission *as provided in subsection (6). Written notice of any such appeal shall be filed with the commission by the employee within 14 days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee* ~~or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee~~.

(6) *The following procedures shall apply to appeals filed pursuant to subsection (5), with the Public Employees Relations Commission, hereinafter referred to as the commission:*

(a) The commission must conduct a hearing within 30 calendar days following the filing of a notice of appeal. No extension of time for the hearing may exceed 30 calendar days, absent exceptional circumstances, and no extension of time may be granted without the consent of all parties. Discovery may be granted only upon the showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. Except where inconsistent with the requirements of this subsection, the provisions of s. 447.503(4) and (5) and chapter 120 apply to proceedings held pursuant to this subsection.

(b) A person may represent himself or herself in proceedings before the commission or may be represented by legal counsel or by any individual who qualifies as a representative pursuant to rules adopted by the commission.

(c) If the commission finds that cause did not exist for the agency action, the commission shall reverse the decision of the agency head and the employee shall be reinstated with or without back pay. If the commission finds that cause existed for the agency action, the commission shall affirm the decision of the agency head. The commission may not reduce the penalty imposed by the agency head, except in the case of law enforcement or correctional officers, firefighters, and professional health care providers, if the commission makes specific written findings of mitigation.

(d) A recommended order shall be issued by the hearing officer within 30 days following the hearing. Exceptions to the recommended order shall be filed within 5 business days after the recommended order is

issued. The final order shall be filed by the commission no later than 30 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.

(e) Final orders issued by the commission pursuant to paragraph (d) shall be reviewable as provided in s. 447.504. ~~A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.~~

(7) *Other than for law enforcement or correctional officers, firefighters, and professional health care providers, each suspension, dismissal, demotion, or reduction in pay must be reviewed without consideration of any other case or set of facts.* ~~The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.~~

Section 23. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department ~~of Management Services~~ as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department ~~of Management Services~~ shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 24. Subsection (1) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(1) ~~It is the intent of the Legislature that~~ State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 25. Section 110.401, Florida Statutes, is amended to read:

110.401 Declaration of policy.—~~It is the intent of~~ This part *creates* ~~to create~~ a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. *Accordingly* ~~To this end~~, training and management-development programs are regarded as a major administrative function within agencies.

Section 26. Subsections (3), (4), and (5) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the department ~~of Management Services~~.—

(3) The department ~~of Management Services~~ shall have the following additional responsibilities:

(a) To establish and administer a professional development program *that* ~~which~~ shall provide for the systematic development of managerial, executive, or administrative skills. *Such a program shall include the following topics:*

1. Improving the performance of individual employees. This topic provides skills in understanding and motivating individual performance, providing effective and timely evaluations of employees, and making recommendations on performance incentives and disincentives.

2. Improving the performance of groups of employees. This topic provides skills in creating and maintaining productive workgroups and making recommendations on performance incentives and disincentives.

3. Relating the efforts of employees to the goals of the organization. This topic provides skills in linking the work of individual employees to the goals of the agency program, service, or activity.

4. Strategic planning. This topic provides the skills for defining agency business processes, measuring performance of such processes, and reengineering such processes for improved efficiency and effectiveness.

5. Team leadership. This topic provides skills in effective group processes for organizational motivation and productivity based on proven business and military applications that emphasize respect for and courtesy to the public.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department ~~of Management Services~~ sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department ~~of Management Services~~ shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. *These* ~~Such~~ rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. *These* ~~The Department of Management Services shall make the~~ rules *shall also* ~~required pursuant to this paragraph in such a manner as to~~ comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department ~~of Management Services~~ regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department ~~of Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 27. Effective July 1, 2001, paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed *1.0* ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the

limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 28. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.~~—It is the purpose of~~ This part *creates* ~~to create~~ a system of personnel management *the purpose of which is to deliver* ~~which ensures to the state the delivery of~~ high-quality performance *by those employees* in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 29. Effective July 1, 2001, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 30. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

(b)~~(c)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c)~~(d)~~ *The employing agency must maintain, on a current basis, all records and reports required by applicable rules.* The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

(d)~~(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Section 31. Paragraph (c) of subsection (2) of section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed~~, the data shall include~~:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 32. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part *III* ~~IV~~ of chapter 110.

Section 33. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part *V* ~~IV~~ of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

Section 34. Notwithstanding section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budgeting Commission.

b. The Legislative Budgeting Commission shall authorize the agency to retain 20 percent of the salary dollars associated with the eliminated positions and may authorize retention of a greater percentage. All such salary dollars shall be used for permanent salary increases.

Section 35. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.~~—It is declared that~~ The public policy of *this* ~~the~~ state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. *This state's public policy is* ~~These policies are~~ best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 36. Effective July 1, 2001, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission*,*~~.~~" ~~The commission~~ shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

Section 37. Subsection (8) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(8) ~~Pursuant to s. 447.208,~~ The commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, ~~transfer, layoff,~~ demotion, or dismissal of any permanent employee in the State Career Service System *in the manner provided in s. 110.227.* ~~Written notice of any such appeal shall be filed with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

Section 38. Section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to ~~subsection (8) or~~ subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

~~(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:~~

~~(a) Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.~~

~~(b) Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.~~

~~(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.~~

~~(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:~~

~~1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.~~

~~2. Action taken with respect to similar conduct by other employees.~~

~~3. The previous employment record and disciplinary record of the employee.~~

~~4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.~~

~~The agency may present evidence to refute the existence of these circumstances.~~

(3)~~(e)~~ Any order of the commission issued *under this section* ~~pursuant to this subsection~~ may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the

number of hours reasonably spent on the appeal, comparing the number of hours spent on similar *cases* ~~Career Service System appeals~~ and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.

Section 39. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of *18* ~~6~~ months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without *permanent status and at the pleasure of the agency head* ~~tenure~~. ~~During this period, the person may be discharged only upon a showing of just cause.~~

Section 40. Subsection (13) is added to section 112.215, Florida Statutes, to read:

112.215 Government employees; deferred compensation program.—

(13) When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's deferred compensation account for the purchase of prior service credit in a public sector retirement system.

Section 41. *Effective July 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, to the Department of Management Services. The independence of the commission in matters relating to the disposition of all cases, including Career Service appeals, shall be preserved.*

Section 42. *The Department of Management Services shall adopt rules as necessary to effectuate the provisions of chapter 110, Florida Statutes, as amended by this act, and in accordance with the authority granted to the department in chapter 110, Florida Statutes. All existing rules relating to chapter 110, Florida Statutes, are statutorily repealed January 1, 2002, unless otherwise readopted.*

Section 43. Section 110.1315, Florida Statutes, is created to read:

110.1315 Alternative benefits; other-personal-services employees.—Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and seasonal employees of the state who are compensated from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under ss. 401(a) and 403(b) or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(F) of the Internal Revenue Code. The department may develop a request for proposals and solicit qualified vendors to compete for the award of the contract. A vendor shall be selected on the basis of the plan that best serves the interest of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules.

Section 44. Subsections (1) and (2) of section 447.403, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. *If the Governor is the public employer no mediator shall be appointed.*

(2)*(a)* If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, no special master shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).

(5)(a) Within 5 days after the beginning of the impasse period in accordance with s. 216.163(6), each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers shall appoint a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 10 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the Legislature shall take action in accordance with this section.

(b) Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).

Section 45. Notwithstanding section 216.351, Florida Statutes, subsection (6) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(6) At the time the Governor is required to furnish copies of his or her recommended budget to each senator and representative under s. 216.162(1), the Governor shall declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed. ~~Within 14 days thereafter, the Governor shall furnish the legislative appropriations committees with documentation relating to the last offer he or she made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.~~

Section 46. *Alternative benefits; tax-sheltered annual leave and sick leave payments and special compensation payments.—*

(1) The Department of Management Services has authority to adopt tax-sheltered plans under section 401(a) of the Internal Revenue Code for state employees who are eligible for payment for accumulated leave. The department, upon adoption of the plans, shall contract for a private vendor or vendors to administer the plans. These plans shall be limited to state employees who are over age 55 and who are: eligible for accumulated leave and special compensation payments and separating from employment with 10 years of service in accordance with the Internal Revenue Code, or who are participating in the Deferred Retirement Option Program on or after July 1, 2001. The plans must provide benefits in a manner that minimizes the tax liability of the state and participants. The plans must be funded by employer contributions of payments for accumulated leave or special compensation payments, or both, as specified by the department. The plans must have received all necessary federal and state approval as required by law, must not adversely impact the qualified status of the Florida Retirement System defined benefit or defined contribution plans or the pretax benefits program, and must comply with the provisions of section 112.65, Florida Statutes. Adoption of any plan is contingent on: the department receiving appropriate favorable rulings from the Internal Revenue Service; the department negotiating under the provisions of chapter 447, Florida Statutes, where applicable; and the Comptroller making appropriate changes to the state payroll system. The department's request for proposals by vendors for such plans

may require that the vendors provide market-risk or volatility ratings from recognized rating agencies for each of their investment products. The department shall provide for a system of continuous quality assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed.

(2) Within 30 days after termination of employment, an employee may elect to withdraw the moneys without penalty by the plan administrator. If any employee is adversely affected by payment of an excise tax or any Internal Revenue Service penalty by electing to withdraw funds within 30 days, the plan shall include a provision which will provide the employee with no less cash than if the employee had not participated in the plan.

(3) These contracts may be used by any other pay plans or personnel systems in the executive, legislative, or judicial branches of government upon approval of the appropriate administrative authority.

(4) Notwithstanding the terminal pay provisions of s. 110.122, Florida Statutes, the department may contract for a tax-sheltered plan for leave and special compensation pay for employees terminating over age 55 with 10 years of service and for employees participating in the Deferred Retirement Option Program on or after July 1, 2001, and who are over age 55. The frequency of payments into the plan shall be determined by the department or as provided in the General Appropriations Act. This plan or plans shall provide the greatest tax benefits to the employees and maximize the savings to the state.

(5) The department shall determine by rule the design of the plans and the eligibility of participants.

(6) Nothing in this section shall be construed to remove plan participants from the scope of section 110.122(5), Florida Statutes.

Section 47. *Career Service Advisory Group.—*

(1) There is created the Career Service Advisory Group. The advisory group shall be composed of the following members, each of whom shall have knowledge of, or experience with, human resource management operations:

(a) Two members selected by the Governor.

(b) One member selected by the President of the Senate.

(c) One member selected by the Speaker of the House of Representatives.

The selections provided for by this subsection shall be made on or before July 1, 2001. The group shall expire on January 1, 2002.

(2) The advisory group members shall be human resource officials of Florida-domiciled corporations with a salaried workforce of at least 25,000 companywide.

(3) The group shall be considered advisory and shall provide advice to the Department of Management Services and the Executive Office of the Governor on issues presented to it related to the implementation of this act. The Department of Management Services shall provide to the board copies of any rules proposed to implement this act.

Section 48. *There is hereby appropriated for fiscal year 2001-2002 to Administered Funds the lump sum of $7.4 million from the General Revenue Fund and $14 million from trust funds to fund the benefits to employees transferred from Career Service to Selected Exempt Service pursuant to the provisions of this act. This appropriation to Administered Funds shall be processed in the same manner as if it had been made in the General Appropriations Act.*

Section 49. *If any provision of this act or its application to any particular person or circumstance is held invalid, that provision or its application shall be deemed severable and shall not affect the validity of other provisions or applications of this act.*

Section 50. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108 and 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; revising provisions relating to programs to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; revising provisions relating to education and training opportunities for state employees; including courses at public community colleges and technical centers; providing for funding; amending s. 110.1127, F.S., relating to security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; revising the amount of certain awards; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S., relating to technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of "layoff"; defining "firefighter," "law enforcement or correctional officer," and "professional health care provider"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules establishing guidelines relating to specified pay additives and providing duties of agencies with respect thereto; amending s. 110.205, F.S.; revising the positions that are exempt from the Career Service System and providing additional exempt positions; providing for carrying leave forward; repealing ss. 110.207 and 110.209, F.S., which provide for establishment of uniform classification and pay plans; amending s. 110.211, F.S.; revising requirements relating to recruitment and responsibility therefor and authorizing assistance by contracted vendors; removing a requirement for model recruitment rules; amending s. 110.213, F.S.; revising requirements relating to selection and responsibility therefor; requiring a probationary period for new employees; removing a requirement for model selection rules; amending s. 110.219, F.S.; providing requirements for leave benefits for Senior Management Service employees; providing for a year-end payout of annual leave to specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; providing requirements relating to implementation of layoffs and revising application of existing provisions prescribing layoff procedures; revising the definition of cause, for which a career service employee may be suspended or dismissed; revising certain agency head duties; providing procedures for the grievance process and specifying actions subject to such process; revising notice requirements; providing procedures for appeals to the Public Employees Relations Commission and specifying actions subject to such appeal; providing requirements with respect to certain review of suspensions, dismissals, demotions, or reductions in pay; amending s. 110.233, F.S.; conforming language; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S., relating to a declaration of policy; amending s. 110.403, F.S.; providing requirements for the professional development program for the Senior Management Service; increasing the number of authorized positions within the Senior Management Service; amending s. 110.601, F.S., relating to a declaration of policy; amending s. 110.602, F.S.; eliminating a limitation on the number of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S., relating to maintenance of records and reports; amending s. 110.606, F.S.; correcting language; amending ss. 288.708 and 440.4416, F.S.; correcting references and conforming language; amending s. 216.262, F.S.; providing that the Legislative Budgeting Commission may authorize a state agency to retain moneys associated with eliminated positions under certain circumstances and providing for use of such moneys; amending s. 447.201, F.S., relating to public policy with respect to public employees; amending s. 447.205, F.S.; conforming language; amending s. 447.207, F.S.; revising authority of the Public Employees Relations Commission to hear certain appeals;

amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees who have violated the strike prohibition; amending s. 112.215, F.S.; authorizing certain pretax trustee-to-trustee transfer of deferred compensation accounts; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the department to adopt rules and providing for repeal of certain rules; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement income security program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; requiring notice to the Legislature when an impasse exists; providing for appointment of a joint select committee to recommend resolution; providing for legislative action; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; removing a requirement that the Governor furnish certain documentation to legislative appropriations committees; authorizing the department to develop tax-sheltered plans for state employees eligible for payment for accumulated leave; providing requirements with respect thereto; authorizing the department to contract for a tax-sheltered plan for leave and special compensation pay for certain employees; creating a Career Service Advisory Group; providing for appointment and qualifications of members; providing its duties; providing for expiration; providing an appropriation; providing for severability; providing effective dates.

POINT OF ORDER

Senator Lawson raised a point of order that pursuant to Rule 2.19 the Conference Committee Report on **CS for SB 466** contains language foreign to the bill reported favorably by the Senate conferees and was therefore out of order.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

RULING ON POINT OF ORDER

On recommendation of Senator Lee, Chairman of the Committee on Rules and Calendar, the President ruled the point not well taken.

MOTIONS

On motion by Senator King, by two-thirds vote debate on the Conference Committee Report on **CS for SB 466** was limited to 8 minutes per side with the bill sponsor given time to close.

The Conference Committee Report was read and on motion by Senator Garcia was adopted. **CS for SB 466** passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—15

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

Vote after roll call:

Yea—Pruitt, Saunders

SENATOR CARLTON PRESIDING

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1956, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

House Amendment 1 (582367)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*~~, as authorized in s. 320.58(1)(a),~~ may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 2. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed $100 *or the fine amount designated by county ordinance,* plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 3. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any *commercial* motor vehicle or trailer~~, except as stated in s. 316.515(7),~~ transporting a load of *unprocessed* logs~~,~~ *or* ~~long~~ pulpwood, ~~poles, or posts~~ which *load extends* ~~extend~~ more than 4 feet beyond the rear of the body or bed of such vehicle*,* must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one*

strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights must be used to meet the visibility requirements of this subsection. The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load must also be marked with a red flag as described in subsection (1).*

Section 4. Subsection (6) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars *or the fine amount designated by county ordinance, plus court costs* for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a $5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

Section 5. Subsection (5) of section 319.23, Florida Statutes, is amended, and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title is issued.

Section 6. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary checkoff contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 7. Paragraphs (a), (b) and (c) of subsection (8) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates*, including annual renewals,* are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates*, including annual renewals,* are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3)*,* ~~and~~ (13)*, (21), and (26).*

Section 8. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits *and attestation* required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $25,000 in annual use fee proceeds directly from the department, or from another state agency, may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit~~ or report shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(2) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 9. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check*, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office*. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 10. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.09*,* ~~and~~ 322.16(2) and (3)*, and 322.05(2)(a) and (b)*. ~~Any person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license.~~ The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 11. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary *check-off* ~~checkoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ must be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solici-

tation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 12. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated *six* ~~four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of *six* ~~four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 13. Section 322.222, Florida Statutes, is created to read:

322.222 Right to review.—A driver may request an administrative hearing to review a revocation under s. 322.221(3). The hearing must be held in accordance with the department's administrative rules adopted under chapter 120.

Section 14. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th* ~~30th~~ day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 15. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) DUI programs must be operated by either governmental entities or not-for-profit corporations.

Section 16. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 17. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the *10th* ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 18. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less *$1.4 million for* any administrative costs *which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001*, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 19. Paragraph (a) of subsection (11) of section 320.60, Florida Statutes, is amended and a new subsection (15) is added to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(11)(a) "Motor vehicle dealer" means any person, firm, *company,* ~~or~~ corporation*, or other entity,* who,

1. Is licensed pursuant to s. 320.27 as a "franchised motor vehicle dealer" and, for commission, money or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to an agreement as defined in subsection (1), or

2. Who sells, exchanges, buys, *leases* or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles*,* or

3. Who is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, *company,* or corporation.

(15) "Sell," "selling," "sold," "exchange," "retail sales," and "leases" includes any transaction where the title of motor vehicle or used motor vehicle is transferred to a retail consumer, and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Establishing a price for sale pursuant to s. 320.64(24) does not constitute a sale or lease.

Section 20. Subsection (4) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, distributors, importers, etc.—

(4) When a complaint of unfair *or prohibited* cancellation *or nonrenewal* of a dealer agreement is made by a motor vehicle dealer against a licensee and *such complaint is pending* ~~is in the process of being heard~~ pursuant to ss. 320.60-320.70 ~~by the department~~, no replacement application for such agreement shall be granted *and no license shall be issued by the department under s. 320.27 to any replacement dealer* until a final decision is rendered ~~by the department~~ on the complaint of unfair cancellation*, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.641(7).*

Section 21. Subsections (13) and (16) are repealed, subsections (14), (15), and (17)-(23) are renumbered, subsection (20) is amended and renumbered as (18), and subsections (22)-(33) are added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license *of a licensee under s. 320.61* may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, *upon a proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing and a licensee or applicant shall be liable for claims and remedies provided in s. 320.695 and s. 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:* ~~upon proof that an applicant or licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the applicant:~~

~~(13) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement specifically publicly advertised by such applicant or licensee to be available for immediate delivery. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. The failure to deliver parts or components for the current and 5 preceding years' models within 60 days from date of order shall be deemed prima facie unreasonable.~~

~~(16) Notwithstanding the terms of any franchise agreement, and unless it can be shown that the licensee's franchised dealer is actively negligent, the applicant or licensee has failed to indemnify and hold harmless its franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney's fees of the motor vehicle dealer, which judgment or settlement arose out of complaints, claims, or lawsuits based upon such grounds as strict liability; negligence; misrepresentation; warranty, express or implied; or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee's franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts, or accessories or other functions of the manufacturer.~~

(18)~~(20)~~ The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. *An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers in this state.*

(22) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle.

(23) The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.

(24) The applicant or licensee has sold a motor vehicle to any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit- organizations, and the federal government.

(25) The applicant or licensee has undertaken an audit of warranty payments or incentive payment previously paid to a motor vehicle dealer in violation of this section or has failed to comply with s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims. Audit of warranty payments shall only be for the 1-year period immediately following the date the claim was paid. Audit of incentive payments shall only be for an

18-month period immediately following the date the incentive was paid. An applicant or licensee shall not deny a claim or charge a motor vehicle dealer back subsequent to the payment of the claim unless the applicant or licensee can show that the claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives.

(26) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles, charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest, or prevented the motor vehicle dealer from participating in any promotion, program, or contest for selling a motor vehicle to a customer who was present at the dealership and the motor vehicle dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country. There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country if the vehicle is titled in one of the fifty United States.

(27) Notwithstanding the terms of any franchise agreement, the applicant or licensee has failed or refused to indemnify and hold harmless any motor vehicle dealer against any judgment for damages, or settlements agreed to by the applicant or licensee, including, without limitation, court costs and reasonable attorneys fees, arising out of complaints, claims, or lawsuits, including, without limitation, strict liability, negligence, misrepresentation, express or implied warranty, or revocation or rescission of acceptance of the sale of a motor vehicle, to the extent the judgment or settlement relates to the alleged negligent manufacture, design, or assembly of motor vehicles, parts, or accessories. Nothing herein shall obviate the licensee's obligations pursuant to chapter 681.

(28) The applicant or licensee has published, disclosed, or otherwise made available in any form information provided by a motor vehicle dealer with respect to sales prices of motor vehicles or profit per motor vehicle sold. Other confidential financial information provided by motor vehicle dealers shall not be published, disclosed, or otherwise made publicly available except in composite form. However, this information may be disclosed with the written consent of the dealer or in response to a subpoena or order of the Department, a court or a lawful tribunal, or introduced into evidence in such a proceeding, after timely notice to an affected dealer.

(29) The applicant or licensee has failed to reimburse a motor vehicle dealer in full for the reasonable cost of providing a loaner vehicle to any customer who is having a vehicle serviced at the motor vehicle dealer, if a loaner is required by the applicant or licensee, or a loaner is expressly part of an applicant or licensee's customer satisfaction index or computation.

(30) The applicant or licensee has conducted or threatened to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims.

(31) From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:

(a) Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state;

(b) Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state; or

(c) Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.

(32) Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.

Section 22. Section 320.641, Florida Statutes, is amended and a new subsection (8) is added to read:

320.641 *Discontinuations, cancellations, nonrenewals, modifications, and replacement* ~~Unfair cancellation~~ of franchise agreements.—

(1)(a) An applicant or licensee shall give written notice to the motor vehicle dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter the rights or obligations of a motor vehicle dealer under an existing franchise agreement or will substantially impair the sales, service obligations, or investment of the motor vehicle dealer, at least 90 days before the effective date thereof, together with the specific grounds for such action.

(b) The failure by the licensee to comply with the 90-day notice period and procedure prescribed herein shall render voidable, at the option of the motor vehicle dealer, any discontinuation, cancellation, nonrenewal, modification, or replacement of any franchise agreement. Designation of a franchise agreement at a specific location as a "nondesignated point" shall be deemed an evasion of this section and constitutes an unfair cancellation.

(2) Franchise agreements are deemed to be continuing unless the applicant or licensee has notified the department of the discontinuation of, cancellation of, failure to renew, modification of, or replacement of the agreement of any of its motor vehicle dealers; and annual renewal of the license provided for under ss. 320.60-320.70 is not necessary for any cause of action against the licensee.

(3) Any motor vehicle dealer *who receives a notice of intent to discontinue, cancel, not renew, modify, or replace* ~~whose franchise agreement is discontinued, canceled, not renewed, modified, or replaced~~ may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is based on an alleged breach of the franchise agreement which is not in fact a material and substantial breach*; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee shall have burden of proof that such action is fair and not prohibited.*

(4) Notwithstanding any other provision of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days constitutes abandonment by the dealer of his or her franchise agreement. If any motor vehicle dealer abandons his or her franchise agreement, he or she has no cause of action under this section. For the purpose of this section, a dealer shall be considered to be engaged in business with the public if a sales and service facility is open and is performing such services 8 hours a day, 5 days a week, excluding holidays. However, it will not be considered abandonment if such failure to engage in business is due to an act of God, a work stoppage, or a delay due to a strike or labor difficulty, a freight embargo, or other cause over which the motor vehicle dealer has no control, including any violation of ss. 320.60-320.70.

(5) Notwithstanding any other provision of this section, if a motor vehicle dealer has abandoned his or her franchise agreement as provided in subsection (4), the licensee may give written notice to the dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew the franchise agreement with the dealer at least 15 days before the effective date thereof, specifying the grounds for such action. A motor vehicle dealer receiving such notice may file a petition or complaint for determination of whether in fact there has been an abandonment of the franchise.

(6) If the complainant motor vehicle dealer prevails, he or she shall have a cause of action against the licensee for reasonable attorneys' fees and costs incurred by him or her in such proceeding, and he or she shall have a cause of action under s. 320.697.

(7) Except as provided in s. 320.643, no replacement motor vehicle dealer shall be named for this point or location to engage in business *and the franchise agreement shall remain in effect until a final judgment is entered after all appeals are exhausted, provided that, when a motor vehicle dealer appeals a decision upholding a discontinuation, cancellation, or nonrenewal based upon abandonment or revocation of the dealer's license pursuant to s. 320.27, as lawful reasons for such discontinuation, cancellation, or nonrenewal, the franchise agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and that the public interest will not be harmed by keeping the franchise agreement in effect pending entry of final judgment after such appeal.* ~~prior to the final adjudication by the department on the petition or complaint and the exhaustion of all appellate remedies by the canceled or discontinued dealer, if a stay is issued by either the department or an appellate court.~~

(8) If a transfer is proposed pursuant to s. 320.643(1) or (2) after a notice of intent to discontinue, cancel, or not renew a franchise agreement is received but, prior to the final determination, including exhaustion of all appellate remedies of a motor vehicle dealer's complaint or petition contesting such action, the termination proceedings shall be stayed, without bond, during the period that the transfer is being reviewed by the licensee pursuant to s. 320.643.~~,~~ *During the period that the transfer is being reviewed by the licensee, pursuant to s. 320.643, the franchise agreement shall remain in full force and effect, and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer until such time as the licensee has accepted or rejected the proposed tranfer. If the proposed transfer is rejected, the motor vehicle dealer shall retain all of its rights pursuant to s. 320.643 to an administrative determination as to whether the licensee's rejection is in compliance with the provisions of s. 320.643, and during the pendency of any such administrative proceeding, and any related appellate proceedings, the termination proceedings shall remain stayed without bond, the franchise agreement shall remain in full force and effect and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer. If a transfer is approved by the licensee or mandated by law, the termination proceedings shall be dismissed with prejudice as moot. The subsection (8) applies only to the first two proposed transfers pursuant to s. 320.643(1) or (2) after notice of intent to discontinue, cancel, or not renew is received.*

Section 23. Section 320.643, Florida Statutes, is amended to read:

320.643 Transfer, assignment, or sale of franchise agreements.—

(1) A motor vehicle dealer shall not transfer, assign, or sell a franchise agreement to another person unless the dealer first notifies the licensee of the dealer's decision to make such transfer, by written notice setting forth the prospective transferee's name, address, financial qualification, and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, inform the dealer either of the licensee's approval of the transfer, assignment, or sale or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, its approval of the proposed transfer is deemed granted. No such transfer, assignment, or sale will be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect. ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.~~ For the purposes of this section, the refusal by the licensee to accept a proposed transferee who is of good moral character and who otherwise meets the written, reasonable, and uniformly applied standards or qualifications, if any, of the licensee relating to *financial qualifications of the transferee and* the business experience of *the transferee or* the transferee's executive management ~~required by the licensee of its motor vehicle dealers~~ is presumed to be unreasonable. A *motor vehicle dealer whose proposed sale is rejected* ~~licensee who receives such notice~~ may, within 60 days following such receipt *of such rejection*, file with the department a ~~verified~~ complaint for a determination that the proposed transferee *has been rejected in violation of* ~~is not a person qualified to be a transferee under~~ this section. The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such *a response to the motor vehicle dealer's* ~~verified~~ complaint within *30* ~~such 60~~ days *after receipt of the complaint, unless the parties agree in writing to an extension,* ~~period~~ or if the department, after a hearing, ~~dismisses the complaint or~~ renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to this section that such sale, transfer, alienation, or other disposition is to a person who is not, or whose controlling executive management is not, of good moral character. A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, *notify the motor vehicle dealer in writing* ~~file with the department a verified complaint for a determination~~ that the proposed transferee is not a person qualified to be a transferee under this section *and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the department alleging that the rejection was in violation of the law or the franchise agreement.* The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. If *the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if* ~~the licensee fails to file such verified complaint within such 60-day period or if~~ the department, after a hearing, ~~dismisses the complaint or~~ renders a decision *on the complaint* other than one disqualifying the proposed transferee, the transfer *shall be deemed approved* ~~franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended~~ in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(b) During the pendency of any such hearing, the franchise agreement of the motor vehicle dealer shall continue in effect in accordance with its terms. The department shall expedite any determination requested under this section.

(3) Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld. For the purposes of this section, the refusal by the licensee to accept a proposed transferee who satisfies the criteria set forth in subsection (1) or (2) is presumed to be unreasonable.

Section 24. Section 320.645, Florida Statutes, is amended to read:

320.645 Restriction upon ownership of dealership by licensee.—

(1) No licensee, ~~including a~~ *distributor,* manufacturer*,* or agent of a manufacturer *or distributor*, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state. *A licensee may not be issued a motor vehicle dealer license pursuant to s.*

320.27. However, no such licensee will be deemed to be in violation of this section:

(a) When operating a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the motor vehicle dealership to another;

(b) When operating a motor vehicle dealership temporarily for a reasonable period *for the exclusive purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group that has historically been underrepresented in its dealer body, or for other qualified persons who the licensee deems lack the resources to purchase or capitalize the dealership outright*, ~~not to exceed 1 year, or~~ in a bona fide relationship with an independent person, other than a licensee or its agent or affiliate, who has made a significant investment that is subject to loss in the dealership *within the dealership's first year of operation* and who can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(c) If the department determines, after a hearing on the matter, pursuant to chapter 120, at the request of any person, that there is no independent person available in the community or territory to own and operate the motor vehicle dealership in a manner consistent with the public interest.

In any such case, the licensee must continue to make the motor vehicle dealership available for sale to an independent person at a fair and reasonable price. Approval of the sale of such a motor vehicle dealership to a proposed motor vehicle dealer shall not be unreasonably withheld.

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

(a) "Independent person" is a person who is not an officer, director, or employee of the licensee.

(b) "Reasonable terms and conditions" requires that profits from the dealership are reasonably expected to be sufficient to allow full ownership of the dealership by the independent person within a reasonable time period not to exceed 10 years, which time period may be extended if there is a reasonable basis to do so and is not being sought to evade the purpose of this section; that the independent person has sufficient control to permit acquisition of ownership; and that the relationship cannot be terminated solely to avoid full ownership. The terms and conditions are not reasonable if they preclude the independent person from an expedited purchase of the dealership using a monetary source other than profits from the dealership's operation; provided, however, that the independent person must pay or make an agreement to pay to the licensee any and all reasonable prepayment charges and costs, including all unrecouped restored losses, associated with the expedited purchase of the dealership. For the purpose of this section, unrecouped restored losses are monies that the manufacturer has provided to the dealership to restore losses of the dealership that the manufacturer has not been paid back through profits of the dealership.

(c) "Significant investment" means a reasonable amount, considering the reasonable capital requirements of the dealership, acquired and obtained from sources other than the licensee or any of its affiliates and not encumbered by the person's interest in the dealership.

(3) Nothing in this section shall prohibit, limit, restrict, or impose conditions on:

(a) The business activities, including, without limitation, the dealings with motor vehicle manufacturers and their representatives and affiliates, of any person that is primarily engaged in the business of short term not to exceed 12 months rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

1. Any motor vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of its rental business and used motor vehicles traded in on motor vehicles sold by such person;

2. Warranty repairs performed under any manufacturer's new vehicle warranty by such person on motor vehicles are limited to those motor vehicles that it owns. As to previously owned vehicles, warranty repairs can be performed only if pursuant to a motor vehicle service agreement as defined in chapter 634, part I, issued by such person or an express warranty issued by such person on the retail sale of those vehicles previously owned; and

3. Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to used motor vehicles sold by such person in the conduct of its business; or

(b) The direct or indirect ownership, affiliation or control of a person described in paragraph (a) of this subsection.

(4) Nothing in this section shall prohibit a licensee-distributor as defined in s. 320.60(5) that is not a manufacturer, a division of a manufacturer, an entity that is controlled by a manufacturer, or a common entity of a manufacturer, and that is not owned, in whole or in part, directly or indirectly, by a manufacturer, as defined in section 320.60(9), and that has owned and operated a motor vehicle dealer in this state on or before July 1, 1996, other than a motor vehicle dealer permitted by s. 320.645(1)(b), from receiving a license as defined in s. 320.27 while owning and operating a motor vehicle dealership that sells or services motor vehicles other than any line-make of motor vehicles distributed by the licensee-distributor.

~~(2) This section shall not be construed to prohibit any licensee from owning or operating a motor vehicle dealership in this state if such dealership was owned or operated by the licensee on May 31, 1984.~~

Section 25. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held *not sooner than 180 days nor later than 240 days from* ~~within 180 days of~~ the date of filing of the first objection or notice of protest, unless the time is extended by the *Administrative Law Judge for good cause shown. This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts.* ~~hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.~~

Section 26. Section 320.6991, Florida Statutes, is created to read:

320.6991 Severability.—If a provision of ss. 320.60-320.70 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ss. 320.60-320.70 that can be given effect without the invalid provision or application, and to this end the provisions of ss. 320.60-320.70 are severable.

Section 27. Section 320.275, Florida Statutes, is created to read:

320.275 Automobile Dealers Industry Advisory Board.—

(1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle dealer industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended

by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.

2. The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.

3. As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

(c) The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) PER DIEM, TRAVEL, AND STAFFING.—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

Section 28. *Definitions.—As used in section 29, the following terms shall have the following meaning:*

(1) "Customer" includes a customer's designated agent.

(2) "Dealer" means a motor vehicle dealer as defined in section 320.27, Florida Statutes, but does not include a motor vehicle auction as defined in section 320.27(1)(c)4., Florida Statutes.

(3) "Replacement item" means a tire, bumper, bumper fascia, glass, in-dashboard equipment, seat or upholstery cover or trim, exterior illumination unit, grill, sunroof, external mirror and external body cladding. The replacement of up to three of these items does not constitute repair of damage if each item is replaced because of a product defect or damaged due to vandalism while the new motor vehicle is under the control of the dealer and the items are replaced with original manufacturer equipment, unless an item is replaced due to a crash, collision, or accident.

(4) "Threshold amount" means 3 percent of the manufacturer's suggested retail price of a motor vehicle or $650, whichever is less.

(5) "Vehicle" means any automobile, truck, bus, recreational vehicle or motorcycle required to be licensed under chapter 320, Florida Statutes, for operation over the roads of Florida, but does not include trailers, mobile homes, travel trailers or trailer coaches without independent motive power.

Section 29. *It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:*

(1) Represent directly or indirectly that a motor vehicle is a factory executive vehicle or executive vehicle unless such vehicle was purchased directly from the manufacturer or a subsidiary of the manufacturer and the vehicle was used exclusively by the manufacturer, its subsidiary, or a dealer for the commercial or personal use of the manufacturer's, subsidiary's, or dealer's employees.

(2) Represent directly or indirectly that a vehicle is a demonstrator unless the vehicle was driven by prospective customers of a dealership selling the vehicle and such vehicle complies with the definition of a demonstrator in section 320.60(3), Florida Statutes.

(3) Represent the previous usage or status of a vehicle to be something that it was not, or make usage or status representations unless the dealer has correct information regarding the history of the vehicle to support the representations.

(4) Represent the quality of care, regularity of servicing, or general condition of a vehicle unless known by the dealer to be true and supportable by material fact.

(5) Represent orally or in writing that a particular vehicle has not sustained structural or substantial skin damage unless the statement is made in good faith and the vehicle has been inspected by the dealer or his agent to determine whether the vehicle has incurred such damage.

(6) Sell a vehicle without fully and conspicuously disclosing in writing at or before the consummation of sale any warranty or guarantee terms, obligations, or conditions that the dealer or manufacturer has given to the buyer. If the warranty obligations are to be shared by the dealer and the buyer, the method of determining the percentage of repair costs to be assumed by each party must be disclosed. If the dealer intends to disclaim or limit any expressed or implied warranty, the disclaimer must be in writing in a conspicuous manner and in layman's terms in accordance with chapter 672, Florida Statutes, and the Magnuson-Moss Warranty - Federal Trade Commission Improvement Act.

(7) Provide an express or implied warranty and fail to honor such warranty unless properly disclaimed pursuant to subsection (6).

(8) Misrepresent warranty coverage, application period, or any warranty transfer cost or conditions to a customer.

(9) Obtain signatures from a customer on contracts that are not fully completed at the time the customer signs or which do not reflect accurately the negotiations and agreement between the customer and the dealer.

(10) Require or accept a deposit from a prospective customer prior to entering into a binding contract for the purchase and sale of a vehicle unless the customer is given a written receipt that states how long the dealer will hold the vehicle from other sale and the amount of the deposit, and clearly and conspicuously states whether and upon what conditions the deposit is refundable or nonrefundable.

(11) Add to the cash price of a vehicle as defined in section 520.02(2), Florida Statutes, any fee or charge other than those provided in that section and in Rule 3D-50.001, Florida Administrative Code. All fees or charges permitted to be added to the cash price by Rule 3D-50.001, Florida Administrative Code, must be fully disclosed to customers in all binding contracts concerning the vehicle's selling price.

(12) Alter or change the odometer mileage of a vehicle.

(13) Sell a vehicle without disclosing to the customer the actual year and model of the vehicle.

(14) File a lien against a new vehicle purchased with a check unless the dealer fully discloses to the purchaser that a lien will be filed if purchase is made by check and fully discloses to the buyer the procedures and cost to the buyer for gaining title to the vehicle after the lien is filed.

(15) Increase the price of the vehicle after having accepted an order of purchase or a contract from a buyer, notwithstanding subsequent receipt of an official price change notification. The price of a vehicle may be increased after a dealer accepts an order of purchase or a contract from a buyer if:

(a) A trade-in vehicle is reappraised because it subsequently is damaged, or parts or accessories are removed;

(b) The price increase is caused by the addition of new equipment, as required by state or federal law;

(c) The price increase is caused by the revaluation of the U.S. dollar by the Federal Government, in the case of a foreign-made vehicle;

(d) The price increase is caused by state or federal tax rate changes; or

(e) Price protection is not provided by the manufacturer, importer, or distributor.

(16) Advertise the price of a vehicle unless the vehicle is identified by year, make, model, and a commonly accepted trade, brand, or style name. The advertised price must include all fees or charges that the customer must pay, including freight or destination charge, dealer preparation charge, and charges for undercoating or rustproofing. State and local taxes, tags, registration fees, and title fees, unless otherwise required by local law or standard, need not be disclosed in the advertisement. When two or more dealers advertise jointly, with or without participation of the franchiser, the advertised price need not include fees and charges that are variable among the individual dealers cooperating in the advertisement, but the nature of all charges that are not included in the advertised price must be disclosed in the advertisement.

(17) Charge a customer for any pre-delivery service required by the manufacturer, distributor, or importer for which the dealer is reimbursed by the manufacturer, distributor, or importer.

(18) Charge a customer for any pre-delivery service without having printed on all documents that include a line item for pre-delivery service the following disclosure: "This charge represents costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale."

(19) Add an additional charge for pre-delivery service other than those shown on a conspicuous label attached to the window of the vehicle specifying any charges for pre-delivery services and describing the charges as pre-delivery services, delivery and handling, dealer preparation, or in similar terms the dealer's charge for each dealer-installed option, and a total price line.

(20) Fail to disclose damage to a new motor vehicle, as defined in subsection 319.001(4), Florida Statutes, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 30. *Sections 28 and 29 shall be codified as part VI of chapter 501, and applies to any vehicle sold after October 1, 2001.*

Section 31. *Paragraph (n) of subsection (9) of section 320.27, Florida Statutes, is repealed.*

Section 32. A new subsection (3) is added to section 520.12, Florida Statutes, to read:

520.12 Penalites.—

(3) Section 520.12(2) does not apply to any violation of the requirement in s. 520.07(1)(c) that the seller deliver or mail to the buyer a copy of the contract signed by the seller, if the seller delivered to the buyer at the time the buyer signed the contract an exact copy of the contract that the buyer signed.

Section 33. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, *2002* ~~2001~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the *effectiveness* ~~efficiency and cost-effectiveness~~ of the pilot program.

Section 34. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a *settlement* ~~mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil action arising

under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.

(7) *A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section.* ~~Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~

~~(a)~~ If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of $25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

~~(b) An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 35. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter*, or that requires a consumer not to disclose the terms of such agreement as a condition thereof,* is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 36. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and ~~documented~~ vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c)~~(b)~~ Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and ~~to~~ all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less*.

(d)~~(c)~~ If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph *and*~~,~~ subsection (9), ~~and s. 715.05,~~ "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a

judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 37. *Section 715.05, Florida Statutes, is repealed.*

Section 38. Subsection (10) of section 212.08, Florida Statutes, is amended to read:

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

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale. *Nothing herein shall require the payment of tax to the State of Florida for assessments made prior to July 1, 2001, if the tax imposed by this section has been paid to the state in which the vehicle was licensed and the department has assessed a like amount of tax on the same transactions. This provision shall apply retroactively to assessments that have been protested prior to August 1, 1999, and have not been paid on the date this act takes effect.*

Section 39. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed *the* ~~40 feet in~~ length*,* ~~and the~~ height*,* and ~~the~~ width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 40. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where ~~both sellers and~~ buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) CERTIFICATE OF TITLE REQUIRED.—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession *or control* a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

Section 41. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-17 remove from the title of the bill: and insert in lieu thereof: An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1967, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag; amending s. 318.18, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for annual renewals in the discontinuance threshold amount; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.161, F.S.; requiring restricted driving priviledges after the accumulation of 6 points within a 12-month period; creating s. 322.222, F.S.; authorizing the Department

of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; providing penalties and remedies for violations; deleting subsections (13) and (16); amending subsection (18); creating subsections (22) through (32) and renumbering sections; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for "dealer development arrangements"; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.6991; providing for severability; creating 320.275, F.S.; creating the Automobile Dealers Industry Advisory Board; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; providing for codification in part VI of chapter 501 and application of new act to vehicles sold after October 1, 2001; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; amending s. 520.12, F.S.; clarifying penalties application to particular circumstances; amending ss. 681.1096, and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that an agreement that prohibits disclosure of its terms is void; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a license to have the certificate of title or ownership indicia in his or her possession at an auction; providing for an effective date.

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 1956 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Webster

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school

district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 2 (740952)** by Senator Constantine was adopted by two-thirds vote.

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

Amendment 3 (752902)—On page 46, lines 18 and 19, delete those lines and insert:

Section 14. Subsection (6) of section 212.055, Florida Statutes, is

Amendment 4 (943216)—On page 25, lines 9-21, delete those lines and insert:

(d) One of the following revenue sources is levied or committed for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:

1. The half-cent school capital outlay surtax authorized by s. 212.055(6); or

2. An amount of broad-based revenue from state or local sources is committed to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.

On motion by Senator Carlton, **CS for CS for CS for SB's 310 and 380** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Webster

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining "clothing" and "school supplies" for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Cowin, **HB 251** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Crist	Latvala	Saunders
Bronson	Dawson	Laurent	Silver
Brown-Waite	Dyer	Lawson	Smith
Burt	Garcia	Lee	Villalobos
Clary	Holzendorf	Peaden	Webster
Constantine	Horne	Posey	
Cowin	King	Pruitt	

Nays—8

Campbell	Jones	Miller	Rossin
Geller	Klein	Mitchell	Wasserman Schultz

Vote after roll call:

Yea—Carlton

Yea to Nay—Dyer, Holzendorf, Smith

SENATOR CARLTON PRESIDING

RECONSIDERATION OF BILL

On motion by Senator Horne, the Senate reconsidered the vote by which—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 110.227, F.S.; providing that "bumping" or certain special protection may not be prohibited in a collective bargaining agreement; amending s. 216.011, F.S.; modifying the definition of the term "operating capital outlay"; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority

of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; providing an effective date.

—as amended passed this day.

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

Amendment 1 (683224)(with title amendment)—On page 4, lines 14-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: budgeting; amending s. 216.011,

On motion by Senator Horne, **CS for SB 1784** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Burt, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2—A bill to be entitled An act relating to retirement; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

House Amendment 1 (101723)(with title amendment)—On page 1, line 13, insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.

And the title is amended as follows:

On page 1, line 2, after "disabilities;" insert: amending s. 121.053, F.S.; authorizing elected officers participating in DROP to terminate participation in DROP and enroll in a subclass of the Elected Officers' Class; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the Elected Officers' Class of the Florida Retirement System; providing that elected officers are not subject to termination limitations;

House Amendment 2 (511277)(with title amendment)—On page 1, line 13, of the bill insert:

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

121.4501 Public Employee Optional Retirement Program.—

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

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program*, including a "bundled provider" that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education*. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

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

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

2. If the employee chooses to move *from the Public Employee Optional Retirement Program* to the defined benefit program, the employee

must transfer from his or her *optional program* ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

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

2. *These* administrative services *may* include, but are not limited to, *enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants;* services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. *Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

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

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

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

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

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

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

4. Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 2. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and*

the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.

And the title is amended as follows:

On page 1, line 2, after the semicolon insert: amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration;

THE PRESIDENT PRESIDING

Senators Pruitt and Garcia offered the following amendment which was moved by Senator Burt and adopted:

Senate Amendment 1 (772078)(with title amendment) to House Amendment 2—On page 1, line 17 through page 8, line 22, delete those lines and insert:

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

121.0515 Special risk membership.—

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

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

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

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

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

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

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

1. Dietitian (class codes 5203 and 5204).

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

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

4. Psychologist (class code 5234).

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

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

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

8. Pharmacist (class codes 5245 and 5246).

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

10. Dentist (class code 5266).

11. Senior dentist (class code 5269).

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

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

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

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

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

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

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

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

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

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

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

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

24. Pharmacy manager (class code 5251).

Section 2. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

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

(f) Effective July 1, 1997:

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

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

Section 3. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

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

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

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

(4) PARTICIPATION; ENROLLMENT.—

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

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

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

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

4. Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this

paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

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

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

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

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

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

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

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

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

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

Section 4. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership

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

Section 5. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 6. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

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

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

And the title is amended as follows:

On page 9, lines 6-12, delete those lines and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class; providing

On motion by Senator Burt, the Senate concurred in **House Amendment 1**; and concurred in **House Amendment 2** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 2 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1162, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

House Amendment 1 (464641)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan *or, in case of a loan being paid in full, directly to the teacher*. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 2. Effective July 1, 2002, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action

to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. *These funds may not be used for direct or indirect administrative purposes or salaries.* The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of *75* ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

Section 3. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than

$250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 4. Subsections (1), (2), and (7) of section 240.40201, Florida Statutes, are amended to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in *a degree program, certificate program, or applied technology diploma program at* an eligible Florida public or private postsecondary education institution within *7* ~~3~~ years of graduation from high school. *No award shall be provided to a student beyond 7 years after high school graduation, regardless of the year in which a student first receives scholarship funding.*

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida *Medallion* ~~Merit~~ Scholarship, and the Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida *Medallion* ~~Merit~~ Scholarship or a Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

Section 5. Section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 240.404 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *"Public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or *have pled* ~~plead~~ nolo contendere to *or guilty to*, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation.~~ A student ~~who applies for an award by April 1 and~~ who meets all ~~other~~ eligibility requirements, but who does not accept his or her award *during the first year of eligibility after high school graduation*, may *apply for reinstatement of the award for use within 7* ~~reapply during subsequent application periods up to 3~~ years after high school graduation. *Reinstatement applications must be received by the deadline established by the Department of Education.*

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) Each school district shall provide each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key annually. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and

the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as the award or awards for which the student has met the academic requirements.

(5)~~(4)~~ A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 6. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal*, reinstatement, and restoration* awards.—

(1) To be eligible to *receive* ~~renew~~ a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program *after the first year of eligibility*, a student must *meet the following requirements for renewal, reinstatement, or restoration*:

(a) *Renewal applies to students who receive an award for at least one term during the immediately preceding academic year. For renewal, a student must* complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship *and*~~.~~

~~(b)~~ maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida *Medallion* ~~Merit~~ Scholarship ~~or a Florida Vocational Gold Seal Scholarship~~, the Department of Education may grant a renewal *to the Florida Medallion Scholarship.* ~~from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or~~

2. *If, upon renewal evaluation, a student fails to meet the renewal criteria pursuant to this section, credit hours and grades earned during the following summer term may be used to satisfy the renewal requirements.* ~~If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once.~~ The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. ~~If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available.~~ The renewal, however, must not be granted until the student achieves the required cumulative grade point average *and earns the required number of hours*. If*, during* the summer term*, a student does not earn* ~~is not~~ sufficient *hours or* ~~to~~ raise the grade point average to the required renewal level, the *student shall not be eligible for an award* ~~student's next opportunity for renewal is the fall semester of~~ the following academic year.

(b) Reinstatement applies to students who were eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Florida Bright Futures Scholarship eligibility determination. The student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.

(c) Restoration applies to students who lost scholarship eligibility as a result of not meeting the renewal grade point average or number of hours, or both, at a prior evaluation period. A student may restore eligibility by meeting the renewal grade point average during a subsequent renewal evaluation period. A student is eligible to receive such restoration only once. The student must submit an application for restoration by the deadline established by the Department of Education.

(2) A *Florida Academic Scholar or a Florida Medallion Scholar* ~~student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree~~ may receive an award for a maximum of 110 percent of the number of credit hours required to complete the *undergraduate* program.

(3) A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate/graduate program that terminates in the award of a postbaccalaureate degree, or the simultaneous award of baccalaureate and postbaccalaureate degrees, may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.

(4) A *Florida Gold Seal Vocational Scholar* ~~student who is enrolled in a program that terminates in a technical certificate~~ may receive an award for *up to 90 semester* ~~a maximum of 110 percent of the~~ credit hours or *the equivalent* ~~clock hours required to complete the program up to 90 credit hours~~. A student who transfers from *the Florida Gold Seal Vocational Scholars award to the Florida Medallion Scholars award* ~~one of these program levels to another~~ becomes eligible for the higher of the two credit hour limits.

Section 7. Section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal*, reinstatement, or restoration* of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~ and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education institution that is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 8. Section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient*; or*~~.~~

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation *and*~~,~~ fees, *as defined by the department,* and $600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual $600.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida Academic Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 3.0 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for one *restoration* ~~reinstatement~~ as provided in this act.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall *be designated as an Academic Top Scholar and shall* receive an additional award of $1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 9. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida *Medallion* ~~Merit~~ Scholars award.—

(1) A student is eligible for a Florida *Medallion* ~~Merit~~ Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program*; or*~~.~~

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but has not completed a program of community service as provided in s. 240.40205; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.

(2) A Florida *Medallion* ~~Merit~~ Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, *as defined by the department,* if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the *average* matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida *Medallion* ~~Merit~~ Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for ~~reinstatement~~ one *restoration* ~~time~~ as provided in this act.

Section 10. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) *Successfully* completes ~~the secondary school portion of a sequential program of studies that requires~~ at least three secondary school vocational credits *in one program of study, as identified by the Department of Education,* taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. *By July 1, 2002, the Articulation Coordinating Committee shall identify the programs at each 4-year institution that qualify as planned, related postsecondary education programs.* On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

~~(c) Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, *as defined by the department,* if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida Gold Seal Vocational Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for ~~reinstatement~~ one *restoration* ~~time~~ as provided in this act.

(4) Beginning with the fall term of 2003, a Florida Gold Seal Vocational Scholars award may only be used by students who enroll in programs of 2 years or less at a vocational-technical institution, a community college, or a junior college unless the award is a renewal of an initial award issued prior to the fall term of 2003 or as otherwise provided for in this section. A student may use an award for a program at a 4-year institution if the program has been identified by the Articulation Coordinating Committee pursuant to subsection (1), the student meets the minimum State University System admissions requirements, and the institution certifies annually the student's continued enrollment in such program.

(5) Upon successful completion of an associate degree program or 60 hours, an award recipient who meets the renewal criteria in subsection (3) and enrolls in a baccalaureate degree program at an eligible postsecondary education institution is eligible to transfer to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

(6) If a Florida Gold Seal Vocational Scholar received an initial award prior to the fall term of 2003, and has a cumulative grade point average of 2.75 in all postsecondary education work attempted, the Department of Education may transfer the student to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program at any renewal period. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

~~(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

Section 11. *Section 240.40242, Florida Statutes, is repealed.*

Section 12. *Florida Bright Futures Scholarship Testing Program.—*

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than $46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

Section 13. Subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by *an accrediting agency recognized by the United*

States Department of Education ~~a member of the Commission on Recognition of Postsecondary Accreditation~~.

2.*a.* Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

b. A person who has been properly classified as a resident by a postsecondary institution for initial receipt of state-funded student financial assistance and has been determined eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if he or she maintains continuous enrollment at the postsecondary institution, with no break in enrollment greater than 12 consecutive months.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

Section 14. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, sections 240.2985 and 240.6054, Florida Statutes, shall not stand repealed on January 7, 2003, and are reenacted, renumbered as section 240.4084, Florida Statutes, and amended to read:

(Substantial rewording of sections. See ss. 240.2985 and 240.6054, F.S., for present text.)

240.4084 Ethics in Business Scholarship Program.—The Ethics in Business Scholarship Program is created to provide scholarships to students who are enrolled in postsecondary education institutions and who meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404. Moneys appropriated and allocated for such scholarships shall be matched by private donations for the purpose of providing ethics in business scholarships. The Ethics in Business Scholarship Program shall consist of the following components:

(1) Moneys appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Trust Fund for Major Gifts, pursuant to section 2 of chapter 97-381, Laws of Florida, shall be allocated to each university foundation on a matching basis equal to the amount of private funds received by such foundation for program purposes. Moneys appropriated and allocated to university foundations for purposes of the program shall be used to create endowments to provide scholarships to undergraduate students enrolled in state institutions of higher learning who register for one or more credit hours in business ethics courses and who have demonstrated a commitment to serve the interests of their community. First priority for award of scholarships shall be given to students who demonstrate financial need. The Board of Regents shall administer the provisions of this subsection.

(2) Moneys transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund, pursuant to section 3 of chapter 97-381, Laws of Florida, shall be allocated to provide ethics in business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 240.605. The funds shall be allocated to institutions for scholarships in the following ratio: two-thirds for community colleges and one-third for eligible independent institutions. These funds shall be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing ethics in business scholarships. The Department of Education shall administer the provisions of this subsection and may adopt rules for such administration. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this subsection.

Each institution that receives an allocation of funds shall submit to the Legislature an annual report of the matching funds collected and a profile of scholarship award recipients.

Section 15. Section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) State student assistance grants through the program may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been

accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between $200 and the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or community college, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(7)~~(5)~~ Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(8)~~(6)~~ The State Board of Education shall establish rules necessary to implement this section.

Section 16. Section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who met the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between $200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)~~(5)~~ Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(8)~~(6)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 17. Section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida postsecondary student assistance grant must be between $200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)~~(5)~~ Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive

grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(8)~~(6)~~ Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(9)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 18. Section 240.40975, Florida Statutes, is created to read:

240.40975 Florida student assistance grant programs; priority for receiving grants.—Priority in the distribution of grants provided pursuant to s. 240.409, s. 240.4095, or s. 240.4097 shall be given to eligible applicants in the following order:

(1) To full-time students with the greatest financial need as determined by the department.

(2) To full-time students with financial need who graduate from public Florida high schools, who have completed the high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses, and who rank in the top 20 percent of their high school graduating class. Class rank shall be determined by the Department of Education.

(3) To other full-time students with financial need.

(4) To part-time students with financial need, if funds are remaining.

Section 19. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department, by the established date, the eligible students to whom scholarships are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.*

Section 20. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) *Any* ~~Effective July 1, 1992, all new and existing~~ financial assistance programs authorized *by state law that are administered by the Bureau of Student Financial Assistance of the Department of Education and that* ~~under this part which~~ are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The *Bureau* ~~Office~~ of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 21. Section 240.465, Florida Statutes, is amended to read:

240.465 Delinquent accounts.—

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

(2) The department is authorized to establish a recovery account into which unpaid and uncanceled scholarship loan note, student loan note, and defaulted guaranteed loan note accounts may be transferred.

(3) The department is authorized to settle any delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes and to employ the service of a collection agent when deemed advisable in collecting delinquent or defaulted accounts. However, no collection agent may be paid a commission in excess of 35 percent of the amount collected. Any expense incurred by the department in enforcing the collection of a loan note may be borne by the signer of the note and may be added to the amount of the principal of such note.

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan notes which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts. However, a delinquent account with a past due balance of $25 or less may be charged off as uncollectible when it becomes 6 months past due and the cost of further collection effort or assignment to a collection agent would not be warranted.

~~(5) No individual borrower who has been determined to be in default in making legally required scholarship loan, student loan, or guaranteed loan repayments shall be furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed.~~

(5)~~(6)~~ The department is authorized to charge an individual borrower who has been determined to be in default in making legally required loan repayments the maximum interest rate authorized by law.

(6)~~(7)~~ The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

Section 22. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Florida Prepaid College Board.

(c) "Fund" means the Florida Prepaid College Trust Fund.

(d) "Program" means the Florida Prepaid College Program.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) FLORIDA PREPAID COLLEGE TRUST FUND.—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) PROGRAM ADMINISTRATION.—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a) Adopt an official seal and rules.

(b) Sue and be sued.

(c) Make and execute contracts and other necessary instruments.

(d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e) Invest funds not required for immediate disbursement.

(f) Appear in its own behalf before boards, commissions, or other governmental agencies.

(g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h) Require a reasonable length of state residence for qualified beneficiaries.

(i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) QUALIFIED STATE TUITION PROGRAM STATUS.—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a "qualified state tuition program" in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools* ~~Accrediting Commission of the Association of Independent Colleges and Schools~~, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract *at a state postsecondary institution* ~~or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee~~. If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees.

Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) *or subsection (23)*, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b)*,* ~~and~~ (c), *and (f),* no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be *refunded* ~~returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be *refunded* ~~returned~~ to the purchaser *in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(f) Benefits purchased under the Florida Prepaid College Program shall be permitted to roll over to a college savings program, as defined under s. 529 of the United States Internal Revenue Code, relating to qualified state tuition programs. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution in Florida at the time of the rollover, after assessment of a reasonable transfer fee.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

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

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name*, at a minimum,* three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) SCHOLARSHIPS.—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may

purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 23. Section 240.6053, Florida Statutes, is created to read:

240.6053 Academic program contracts.—

(1) Academic program contracts with independent institutions recommended by the Postsecondary Education Planning Commission pursuant to s. 240.147(4), and approved by the State Board of Education pursuant to s. 229.053(2), shall be administered by the Department of Education.

(2) Funding for such contracts shall be based on the average cost to the state to provide similar programs in the State University System or an amount specified in the General Appropriations Act.

(3) Priority for academic program contract support shall be given to students with demonstrated financial need. To be eligible for such support, a student shall meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404.

(4) The tuition and fees assessed students supported through an academic program contract shall not exceed the amount required to pay the average matriculation and fees for a comparable program at a state university.

(5) The amount an institution receives per student for funding pursuant to this section, plus the tuition and fees paid by the student, plus the value of the Florida Resident Access Grant received by the student shall not exceed the full cost per student to the state of a similar program in the State University System.

(6) Institutions receiving support pursuant to this section shall annually submit to the department data on performance measures, including, but not limited to, degrees granted, graduation rates, licensure or certification rates of graduates where applicable, and employment in Florida.

Section 24. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees *as defined by the Department of Education*, board, and room rent and to buy books and supplies for the children of*:*

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, *s. 295.019,* or s. 295.0195*; or*~~, or of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015.~~, who are~~

(2) Such children must be between the ages of 16 and 22 years and ~~who are~~ in attendance at*:*

(a) A state-supported institution of higher learning, including a community college or vocational-technical school*; or*~~.~~

(b) A postsecondary education institution eligible to participate in the Florida Bright Futures Scholarship Program. A student attending an eligible independent postsecondary education institution may receive an award equivalent to the average matriculation and fees calculated for full-time attendance at a public postsecondary education institution at the comparable level.

Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(3) The Department of Education shall administer this educational program subject to *rules* ~~regulations~~ of the *State Board of Education* ~~department~~. *The state board is authorized to adopt rules to implement the provisions of this program.*

Section 25. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

Senator Pruitt offered the following amendment which was moved by Senator Sullivan:

Senate Amendment 1 (020712)(with title amendment) to House Amendment 1—On page 1, line 18 through page 77, line 9, delete those lines and insert:

Section 1. Section 229.001, Florida Statutes, is amended to read:

229.001 Short title.—This act may be cited as the "Florida Education Governance Reorganization *Implementation* Act ~~of 2000~~."

Section 2. Section 229.002, Florida Statutes, is amended to read:

229.002 Declaration of policy and guiding principles.—

(1) It is the policy of the Legislature:

(a) To achieve within existing resources true systemic change in education governance by establishing a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's citizens.

(b) To promote enhanced academic success and funding efficiency by centralizing the governance of educational delivery systems and aligning responsibility with accountability.

(c) To provide consistent education policy vertically and horizontally across all educational delivery systems, focusing on *students* ~~the needs of those receiving education, not those providing education~~.

(d) To provide substantially improved vertical and horizontal articulation across all educational delivery systems ~~while ensuring that nonpublic education institutions and home education programs maintain their independence, autonomy, and nongovernmental status~~.

(e) To provide for devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services in order to provide student-centered education services within the clear parameters of the overarching education policy established by the Legislature.

(f) To ensure that independent education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.

(2) The guiding principles for Florida's new education governance are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and *provides the opportunity for a high-quality education* ~~academic success~~ for all Floridians.

(d) A system that safeguards equity *and supports academic excellence*.

(e) A system that *provides for local operational flexibility while promoting accountability for student achievement and improvement* ~~refuses to compromise academic excellence~~.

Section 3. Section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(1) ~~Effective January 7, 2003,~~ The Florida Board of Education, created pursuant to s. 229.004, shall be responsible for overseeing kindergarten through graduate school education, in accordance with *the implementation process in s. 229.0072 and* the policies and guiding principles in s. 229.002 *and the mission and goals of s. 229.007*.

~~(2) Effective January 7, 2003, the Florida Board of Education shall appoint the Commissioner of Education.~~

(2)~~(3) Effective January 7, 2003,~~ There *are* ~~is~~ established *the following education governance officers in addition to the Commissioner of Education*:

(a) ~~A~~ Chancellor of *Public Schools* ~~K-12 Education appointed by the Commissioner of Education~~.

(b) ~~A~~ Chancellor of *Colleges and* ~~State~~ Universities~~, appointed by the Commissioner of Education~~.

(c) ~~A~~ Chancellor of Community Colleges ~~and Career Preparation, appointed by the Commissioner of Education~~.

(d) ~~An~~ Executive Director of *Independent* ~~Nonpublic and Nontraditional~~ Education~~, appointed by the Commissioner of Education~~.

Each chancellor and *the* executive director shall be *appointed* ~~subject to confirmation~~ by the Florida Board of Education and shall serve at the pleasure and under the authority of the *Secretary of the Florida Board of Education* ~~Commissioner of Education~~.

(3)~~(4) Effective July 1, 2000,~~ The Governor shall appoint a seven-member board of trustees for the Florida *Virtual* ~~On-Line~~ High School, which shall be a body corporate with all the powers of a body corporate.

(4)~~(5) Effective January 7, 2003,~~ The Governor shall appoint for each university in the State University System~~,~~ a *12-member* ~~nine-member~~ board of trustees, which shall be a body corporate with all the powers of a body corporate. *In addition to the 12 members, a student body president shall serve as a voting member of the board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Each appointee is subject to confirmation by the Senate in the regular legislative session immediately following his or her appointment* ~~All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area~~.

(5) Effective July 1, 2001:

(a) The Board of Regents is abolished.

(b) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.

(c) The State Board of Community Colleges is abolished.

(d) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.

(e) The Postsecondary Education Planning Commission is abolished.

(f) The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services.

(g) All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.

(h) The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.

(i) Notwithstanding the provisions of s. 20.15, the Commissioner of Education and the Secretary of the Florida Board of Education shall work together to commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:

1. The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.

2. The creation of a Division of Colleges and Universities.

3. The creation of a Division of Community Colleges.

4. The creation of a Division of Public Schools.

5. The creation of a Division of Independent Education.

6. The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.

~~(6) Effective January 7, 2003, the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority for purposes of a single, seamless kindergarten through graduate school education system and single or coordinated budget and may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of s. 229.002, and the entities shall cease to exist:~~

~~(a) The Board of Regents.~~

~~(b) The State Board of Community Colleges.~~

~~(c) The State Board of Independent Colleges and Universities.~~

~~(d) The State Board of Nonpublic Career Education.~~

~~(e) The Division of Workforce Development of the Department of Education.~~

~~(f) The Postsecondary Education Planning Commission.~~

~~(g) The Articulation Coordination Committee.~~

~~(h) The Division of Human Resource Development of the Department of Education.~~

~~(i) The Division of Support Services of the Department of Education.~~

~~(j) The Division of Administration of the Department of Education.~~

~~(k) The Division of Financial Services of the Department of Education.~~

~~(l) The Division of Technology of the Department of Education.~~

~~(m) The Office of Student Financial Assistance of the Department of Education.~~

~~(n) The Division of Universities of the Department of Education.~~

~~(o) The Division of Community Colleges of the Department of Education.~~

Section 4. Section 229.0031, Florida Statutes, is created to read:

229.0031 Council for Education Policy Research and Improvement.—Effective July 1, 2001, the Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services, pursuant to s. 11.147. The council shall conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The Office of Legislative Services shall provide administrative functions of the council, pursuant to joint policies of the Legislature.

(1) The council shall serve as a citizen board for independent policy research and analysis. The council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years may be reappointed to one additional term. Members shall not include elected officials or employees of public or independent education entities. Members who miss two consecutive meetings may be replaced by the appointing officer.

(2) The council shall meet as often as it considers necessary to carry out its duties and responsibilities. Members shall be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under this section.

(3) The council shall appoint an executive director, who shall serve at the pleasure of the council and shall perform the duties assigned to him or her by the council. The executive director is the chief administrative officer of the council and shall appoint all employees and staff members of the council, who shall serve under the executive director's direction and control.

(4) The council shall:

(a) Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 229.002 and the performance accountability system in s. 229.007.

(b) Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.

(c) Prepare and submit to the Florida Board of Education a long-range master plan for education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and requirements of the labor market. The plan must evaluate the capacity of existing programs in public and independent institutions to respond to identified needs, and the council shall recommend efficient alternatives to address unmet needs. The council shall update the master plan at least every 5 years.

(d) Prepare and submit for approval by the Florida Board of Education a long-range performance plan for K-20 education in Florida, and annually review and recommend improvement in the implementation of the plan.

(e) Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 229.007.

(f) Recommend to the Legislature and the Florida Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 229.002.

(g) Recommend to the Florida Board of Education revisions and new initiatives to further improve the K-20 education accountability system.

(h) Provide public education institutions and the public with information on the K-20 education accountability system, recommend refinements and improvements, and evaluate issues pertaining to student learning gains.

(i) On its own initiative or in response to the Governor, the Legislature, the Florida Board of Education, or the Commissioner of Education, issue reports and recommendations on matters relating to any education sector.

(j) By January 1, 2003, and on a 3-year cycle thereafter, review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds to assess the return on the state's investment in research conducted by public postsecondary education institutions, in coordination with the Leadership Board for Applied Research and Public Service, created pursuant to s. 240.706.

(k) Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.

(l) Assist the Florida Board of Education in the conduct of its educational responsibilities in such capacities as the board considers appropriate.

Section 5. Section 229.004, Florida Statutes, is amended to read:

229.004 Florida Board of Education.—

(1)(a) *In accordance with the implementation process in s. 229.0072* ~~Effective January 7, 2003~~, the Florida Board of Education is established as a body corporate. The board shall be a ~~part-time~~ citizen board consisting of seven members *who are residents of the state* appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate*, provided, however, that Senate confirmation is not required for the members of the Florida Board of Education to perform the duties as prescribed in this education governance reorganization implementation act. Members of the board shall serve without compensation, but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061.* Members may be reappointed by the Governor for additional terms *not to exceed 8 years of consecutive service*.

(b) *The Governor shall appoint the first chair of the Florida Board of Education who shall serve for 2 years. After expiration of the 2-year term and at the first regular meeting of the board after July 1, the Florida Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reselected for one additional consecutive term.* ~~The Florida Board of Education shall have a chairperson who shall be appointed by the Governor.~~

(2) The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of s. 229.002 *and the mission and goals of s. 229.007* and, together with the Commissioner of Education, to oversee the implementation of *and enforce compliance with* the education policies established by the Legislature. The board, *through its secretary,* and the commissioner~~,~~ shall establish, operate, and maintain optimal efficiency of an Office of the *Commissioner of Education pursuant to s. 229.0061(2)(c) in accordance with the guidelines of ss. 229.0061 and 229.0073* ~~Board of Education~~.

(3) In performing its duties, the board, together with the Commissioner of Education, shall:

(a) Ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies.

(b) Establish and aggressively enforce efficient and effective performance management objectives.

(c) Maximize the effectiveness of local, state, and federal education linkages and funds.

(d) Issue guidelines for the development of legislative budget requests for operations and fixed capital outlay for the coordinated K-20 system.

(e)~~(d)~~ Recommend ~~one budget or~~ a coordinated budget *and long-range program plans* based on consistent policies for a seamless kindergarten through graduate school education.

(f)~~(e)~~ Adopt cohesive rules, within statutory authority, for education systemwide issues*, including rules governing systemwide access to educational opportunities,* and ensure that rules adopted for the various education delivery systems are compatible.

(g)~~(f)~~ Ensure articulation and coordination within and across the entire education delivery system.

(h)~~(g)~~ Provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.

(4) The board, *through its secretary,* with the Commissioner of Education, shall *be responsible for*:

(a) *The* work *of* ~~with~~ the Chancellor of *Public Schools* ~~K-12 Education~~ to establish, and maintain optimal efficiency of, *a Division* ~~an Office~~ of *Public Schools, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007* ~~K-12 Education~~.

(b) *The* work *of* ~~with~~ the Chancellor of *Colleges and* ~~State~~ Universities to establish, and maintain optimal efficiency of, *a Division* ~~an Office~~ of *Colleges and* ~~State~~ Universities*, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007*.

(c) *The* work *of* ~~with~~ the Chancellor of Community Colleges ~~and Career Preparation~~ to establish, and maintain optimal efficiency of, *a Division* ~~an Office~~ of Community Colleges*, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007* ~~and Career Preparation~~.

(d) *The* work *of* ~~with~~ the Executive Director of *Independent* ~~Nonpublic and Nontraditional~~ Education to establish, and maintain optimal efficiency of, *a Division* ~~an Office~~ of *Independent* ~~Nonpublic and Nontraditional~~ Education*, within the guidelines of ss. 229.0061 and 229.0073* ~~Services~~.

Section 6. Section 229.005, Florida Statutes, is amended to read:

229.005 Florida education governance officers.—

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall *work with the Florida Board of Education and its secretary to oversee the other education governance officers and focus* ~~be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing~~ the entire kindergarten through graduate school education system *on accomplishing* ~~to accomplish~~ the policies and guiding principles of s. 229.002 *and achieving the mission and goals of s. 229.007*. The commissioner shall *serve as chief executive officer and, in cooperation with the Secretary of the Florida Board of Education, shall* ~~have the ability to successfully~~ provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education.~~, and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require."~~

(2) CHANCELLOR OF *PUBLIC SCHOOLS* ~~K-12 EDUCATION~~.—The Chancellor of *Public Schools* ~~K-12 Education~~ shall be appointed by the *Florida Board of Education* ~~Commissioner of Education~~ based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to* comply with the policies and guiding principles of s. 229.002*, to achieve the mission and goals of s. 229.007*, to enhance the quality of *public* K-12 education in Florida, *and* to maximize the equity of *public* K-12 education in Florida by moving the focus to the school site and the individual student.~~, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education. . . ."~~

(3) CHANCELLOR OF *COLLEGES AND* ~~STATE~~ UNIVERSITIES.—The Chancellor of *Colleges and* ~~State~~ Universities shall be appointed by the *Florida Board of Education* ~~Commissioner of Education~~ based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to* comply with the policies and guiding principles of s. 229.002*, to achieve the mission and goals of s. 229.007*, to enhance the national reputation and quality of education and ~~educational~~ research in Florida's *colleges and* ~~state~~ universities, and to work directly with each of the *college and* ~~state~~ university presidents and boards of trustees in focusing on the education and ~~educational~~ research needs of the individual *college or* university and its students.

(4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER PREPARATION~~.—The Chancellor of Community Colleges ~~and Career Preparation~~ shall be appointed by the *Florida Board of Education* ~~Commissioner of Education~~ based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to* comply with the policies and guiding principles of s. 229.002*, to achieve the mission and goals of s. 229.007*, to enhance the quality of education in Florida's community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

(5) EXECUTIVE DIRECTOR OF *INDEPENDENT* ~~NONPUBLIC AND NONTRADITIONAL~~ EDUCATION.—The Executive Director of

Independent ~~Nonpublic and Nontraditional~~ Education shall be appointed by the *Florida Board of Education* ~~Commissioner of Education~~ based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to* comply with the policies and guiding principles of s. 229.002, *to protect the independence, autonomy, and nongovernmental status of independent education in Florida,* to enhance the quality and expand the offerings and innovations of *independent* ~~nonpublic and nontraditional~~ education in Florida, to establish partnerships with *independent* ~~nonpublic~~ education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida *Virtual* ~~On-Line~~ High School and with Florida's private school associations, home education associations, *independent* ~~nonpublic~~ career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.

Section 7. Subsections (1), (4), (5), (6), and (7) of section 229.006, Florida Statutes, are amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(1) In order to accomplish a smooth transition ~~on January 7, 2003,~~ from the elected State Board of Education to the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. ~~All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000.~~ The task force shall be comprised of:

(a) Five members appointed by the Governor;

(b) Three members appointed by the President of the Senate; and

(c) Three members appointed by the Speaker of the House of Representatives.

The transition task force shall ~~be charged with the duty to identify issues, conduct research, develop the necessary procedural and substantive framework, and~~ make recommendations to the Legislature for an orderly ~~3-year~~ phase-in for a seamless education continuum and a ~~single or~~ coordinated kindergarten through graduate school budget in accordance with the policies and guiding principles of s. 229.002~~, so that the Florida Board of Education may immediately begin its work on January 7, 2003, with maximum effectiveness~~.

(4) *Having completed its recommendations to the Legislature* ~~by March 1, 2001~~, the transition task force shall *redirect its focus to provide guidance and monitoring of the implementation process pursuant to s. 229.0072 and to regularly report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on the progress of the reorganization implementation process. If any implementation activity is determined by a majority vote of the task force to be inconsistent with the intent of this act, the chair of the task force shall report such activity directly to the State Board of Education, and the State Board of Education shall act immediately to resolve the dispute.* ~~recommend to the Legislature:~~

~~(a) How best to achieve education system integration by:~~

~~1. Combining appropriate education functions and policies into or under the new Florida Board of Education.~~

~~2. Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.~~

~~3. Providing for a single or coordinated kindergarten through graduate school education budget.~~

~~(b) How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.~~

~~(c)1. Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.~~

~~2. A recommended salary structure for the Commissioner of Education and for the chancellors.~~

~~(d) Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.~~

~~(e) The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.~~

~~(f) The optimal location and structure of the Florida Partnership for School Readiness.~~

~~(5) By March 1, 2002, the transition task force shall recommend to the Legislature:~~

~~(a) Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.~~

~~(b) Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.~~

~~(c) A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.~~

~~(d) Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.~~

~~(e) Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.~~

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

~~(a) Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of subsection 3(8) of this act.~~

~~(b) Rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.~~

~~(c) Waiver authority, if any, for the Commissioner of Education or the Florida Board of Education.~~

(5)~~(7)~~ By *March* ~~May~~ 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, *the Florida Board of Education, the Commissioner of Education,* the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:

(a) A summary of the work and recommendations of the task force *and the status of full implementation of the K-20 education system*.

(b) The status of all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities.

(c) Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.

Section 8. Section 229.0061, Florida Statutes, is created to read:

229.0061 Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.—

(1) GUIDELINES FOR IMPLEMENTATION.—

(a) Florida's seamless K-20 education system shall be a decentralized system in which as many commissions, boards, councils, and other excess layers of bureaucracy as possible are eliminated.

(b) Florida's K-20 education system shall rely on a single entity, the Florida Board of Education, as its single strategic voice. If the board desires assistance on matters of policy research or other issues, the board shall be authorized to appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system.

(c) Members of the Florida Board of Education shall focus on high-level policy decisions.

(d) It is essential to the success of Florida's seamless K-20 education system to have a fully operational systemwide technology plan based on a common set of data definitions.

(2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND ORGANIZATION.—

(a) Roles of the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards.—The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources. The Florida Board of Education shall enforce all laws, rules, and guidelines and shall timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. In terms of major areas of responsibility, the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards shall each perform essential constituent roles.

(b) Florida Board of Education.—The Florida Board of Education shall serve as the body corporate for Florida's seamless K-20 education system; implement the coordinated education vision; and, together with the Secretary of the Florida Board of Education, the commissioner, the chancellors, and the executive director, oversee the success of that vision. The Florida Board of Education shall:

1. Enforce systemwide education policies and goals.

2. Recommend annually the coordinated education budget and authorize the allocation of resources in accordance with law and rule. Any program recommended by the Florida Board of Education which requires state funding for more than 1 year must be presented in a multiyear budget plan.

3. Adopt long-term and short-term education plans, including a coordinated 5-year plan for postsecondary enrollment which the board shall submit annually to the Legislature and shall review periodically for adjustment.

4. Adopt university plans designed to achieve continued student diversity in undergraduate, graduate, and professional programs.

5. Enforce education accountability standards and measures of all components of the K-20 education system.

6. Accurately and continuously assess data and monitor and report performance.

7. Provide high-quality assistance and intervention when and where needed.

8. Provide timely and accurate information on all public and independent education services.

9. Recommend to the Legislature the missions of the public colleges and universities and community colleges.

(c) Commissioner of Education.—The Commissioner of Education shall serve as chief executive officer of the seamless K-20 education system. The commissioner shall propose action on all issues that the Florida Board of Education brings before the State Board of Education and shall be responsible for enforcing compliance with the mission and goals of the seamless K-20 education system by all education delivery sectors. The commissioner's office shall operate all statewide functions necessary to support the Florida Board of Education and the seamless K-20 education system, including the following areas:

1. Legal.

2. Communications, including a Citizen Information Center that provides quick response and uses customer-friendly methods.

3. Strategic planning and budget development.

4. General administration.

5. Assessment and accountability.

6. Data management, education technology, and an education data warehouse.

7. Access and opportunity.

8. Policy research and development, except the Council for Education Policy Research and Improvement.

9. Florida Board of Education personnel.

10. Workforce and economic development.

11. Educational facilities.

12. Technology and information services.

13. Student financial assistance.

14. Inspector General.

(d) Chancellors and executive director.—The Chancellor of Public Schools, the Chancellor of Community Colleges, the Chancellor of Colleges and Universities, and the Executive Director of Independent Education shall serve the Florida Board of Education, the Secretary of the Florida Board of Education, and the Commissioner of Education in the role of division vice presidents of the K-20 education system and as governance officers and critical members of the state-level education leadership team. They shall each be held responsible for providing leadership, administering programs, resolving disputes, providing technical assistance, and timely recommending action plans to the commissioner for sanctions or intervention when needed, as well as making recommendations to the board, the secretary, and the commissioner for strategic planning and budget development for their respective education delivery sectors. They shall support the governing policies and responsibilities of the board, the secretary, and the commissioner and bear primary responsibility for the achievement of the mission and goals of the K-20 education system by their education delivery sectors, as applicable to their sectors. They shall reinforce the policies and principles of the seamless K-20 education system in every venue and at every opportunity, and work together to facilitate horizontal communications and interactions between the education delivery sectors. Specifically, as applicable, each education governance officer shall:

1. Serve as the head of the division.

2. Supervise all employees and work of the division.

3. Properly and timely inform education institutions and the public as to legislative action, including funding, grant opportunities, and substantive policy changes affecting the division.

4. Direct the review of expenditures of public funds in accordance with legislative intent.

5. Evaluate the performance of each education institution under the division and report performance results to the public, the Legislature, the Commissioner of Education, the Florida Board of Education, and the institution and its governing board.

6. Direct institutional governing boards to take corrective action to improve unsatisfactory performance pursuant to law and rules of the Florida Board of Education.

7. Direct and oversee the development of the division's accountability system and recommend changes to the Commissioner of Education and the Florida Board of Education.

8. Direct the division's activities in order to coordinate with other divisions to provide a seamless education system.

9. Direct the provision of state services to institutions under the division.

10. Direct the development of the division's legislative budget request and work cooperatively with the commissioner and other governance officers to develop a coordinated budget request.

11. Serve as the primary point of contact and communication for the division.

(e) Institutional boards of trustees and school boards.—Each institutional board of trustees and school board shall:

1. Provide strategic planning and budget development for their institution or school district.

2. Implement and maintain high-quality education programs within law and rules of the Florida Board of Education.

3. Measure and enforce performance.

4. Provide timely and accurate reporting of information.

5. Provide direct input on education issues to the education governance officers.

6. Have broad latitude within law and rules of the Florida Board of Education in developing local policies and local programs to meet the needs of their students, their communities, and area employers.

7. Hold presidents and appointed superintendents responsible for institution and school performance.

8. Be responsible for the fiscal accountability of their institution or school district.

9. Be responsible for compliance with all laws, rules of the Florida Board of Education, and performance accountability requirements.

(f) Presidents and superintendents.—Each institutional president and school district superintendent shall:

1. Be responsible for efficient and effective budget and program administration.

2. Provide strong leadership to accomplish their education missions and goals.

3. Closely monitor education performance.

4. Provide timely and accurate financial and performance data.

5. Link instructional staff evaluations to student performance.

(g) Ad hoc advisory committees.—Advisory bodies shall be appointed on an ad hoc basis by the Florida Board of Education to serve the board, commissioner, and chancellors when and as needed by studying and recommending action on major issues that affect the direction and quality of education, providing public forums for debate, and safeguarding a coordinated systemwide approach to education policy decisions.

Section 9. Section 229.007, Florida Statutes, is created to read:

229.007 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:

1. What is the public getting in return for funds it invests in education?

2. How is Florida's K-20 education system performing in terms of educating its students?

3. How are the major delivery sectors performing to promote student achievement?

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

(b) The Florida Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is getting in return for the funds it invests in education and how well the K-20 system educates its students.

(c) The Florida Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and postsecondary education institutions, which measures and standards are based primarily on student achievement.

(2) PERFORMANCE-BASED FUNDING—The Florida Board of Education shall work with the chancellors and each delivery system to develop proposals for performance-based funding, using performance measures established by the Legislature. The proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards. The Florida Board of Education must submit the recommendations to the Legislature in the following sequence:

(a) By December 1, 2002, recommendations for state universities, for consideration by the 2003 Legislature and implementation in the 2003-2004 fiscal year.

(b) By December 1, 2003, recommendations for public schools and workforce education, for consideration by the 2004 Legislature and implementation in the 2004-2005 fiscal year.

(c) By December 1, 2004, recommendations for community colleges, for consideration by the 2005 Legislature and implementation in the 2005-2006 fiscal year.

(d) By December 1, 2005, recommendations for all other programs that receive state funds within the Department of Education.

(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—The mission of Florida's K-20 education system, when it becomes fully operational, shall be to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 229.57; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community

members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

Section 10. Section 229.0072, Florida Statutes, is created to read:

229.0072 Reorganization implementation process.—In order to best achieve the legislative purpose of the Florida Education Governance Reorganization Implementation Act:

(1) The Governor shall appoint the members of the boards of trustees of the state universities in accordance with s. 229.008.

(2) Effective July 1, 2001, the Governor shall appoint a seven-member Florida Board of Education and a Secretary of the Florida Board of Education. The Florida Board of Education shall be housed within, and operate under the direction of, the State Board of Education. The Secretary of the Florida Board of Education shall possess proven organizational leadership and knowledge of broad-based education policy. The secretary shall be confirmed by the Senate during the 2002 regular legislative session, but may perform all duties in the interim. The secretary shall serve as secretary to the board and as the board's primary liaison with all entities involved in the reorganization of education. The secretary shall be responsible directly to the Florida Board of Education and shall serve as staff to the board on all action items relating to the reorganization. During the reorganization implementation period, the secretary shall:

(a) Be responsible for proposing actions regarding all education governance reorganization implementation issues.

(b) Be responsible for integration of the Department of Education as it is reorganized into an agency of the Governor.

(c) Serve as the head of the Education Reorganization Workgroup.

(d) Serve as the head of the K-20 education leadership team.

(3) The Florida Board of Education shall establish a detailed procedure for the implementation of a systemwide K-20 technology plan which includes a month-by-month timeline with monthly progress reports to the board.

(4) Subject to review and approval of the State Board of Education, the Florida Board of Education shall:

(a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The rules shall be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule shall be filed immediately with the Department of State.

(b) Prepare and submit a coordinated K-20 education budget to the Governor and Legislature that clearly defines the individual needs of the divisions within the Department of Education. No school district shall use public funds to support activities of an employee organization. The Florida Board of Education shall adopt rules implementing this restriction on the use of public funds and shall not allow such use of public funds to be included in its recommended budget, except for collective bargaining negotiations.

(c) Establish a work plan and timeline for the orderly implementation of the transition, including a fully detailed plan and timeline for the devolution of duties, as appropriate, to the university boards of trustees.

(d) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(e) Supervise the coordination of institutions and delivery sectors.

(f) Establish policies for university and community college boards of trustees to follow in selecting presidents.

(g) Approve plans and reports, and take other necessary actions pertaining to the supervision of education.

(h) Effectuate the timely implementation of the seamless K-20 education system.

(i) Establish advisory boards on an ad hoc basis to provide the support needed to address issues such as public education facilities planning; student issues; instructional issues; distance learning and technology; academic quality, freedom, and responsibility; and research.

(j) Develop and review recommendations on issues of statewide importance, such as technology systems and facilities.

(k) Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

(l) Advise the State Board of Education regarding the issuance of bonds.

(m) Develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(n) Develop and recommend to the Education Governance Reorganization Transition Task Force, the Governor, the Secretary of the Florida Board of Education, the Commissioner of Education, and the Legislature, no later than January 1, 2002, for adoption during 2002, a clear, concise new School Code, comprised of the revision of chapters 228-246, to accomplish the implementation, administration, and operation of Florida's seamless K-20 education system in accordance with the guidelines included in s. 229.0061.

(o) Receive, review, and make decisions regarding charter school appeals, which decisions shall be binding.

(p) Serve as the successor for all collective bargaining agreements currently in effect with the Board of Regents.

(5) Effective July 1, 2001, the Commissioner of Education shall:

(a) Work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 education system.

(b) Commence reorganization of the Department of Education as a state agency of the Governor in accordance with legislative guidelines pursuant to s. 229.0073, the requirements of s. 229.003(5), and requests of the Florida Board of Education as approved by the State Board of Education.

(c) As Secretary of the State Board of Education, assist the Secretary of the Florida Board of Education in determining the agenda for the Florida Board of Education and provide the Florida Board of Education and the State Board of Education the full support of the reorganized Department of Education.

Section 11. Section 229.0073, Florida Statutes, is created to read:

229.0073 Reorganization of the Department of Education.—Effective July 1, 2001, notwithstanding the provisions of s. 20.15, the secretary's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Secretary of the Florida Board of Education, the Commissioner of Education, the Governor or his designee, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:

(1) Eliminate duplication across divisions; achieve greater efficiencies in financial and human resources and education services; and identify functions, resources, and services that should be eliminated, transferred, or realigned.

(2) Include a review and assessment of all bureaus, offices, divisions, and functions of the department reorganized pursuant to this section.

(3) Establish an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the Florida Board of Education.

(4) Establish the following divisions within the department:

(a) Division of Public Schools (K-12).—The state's public elementary, middle, junior high, and high schools, as well as combination schools, charter schools, district magnet programs, and area technical centers.

(b) Division of Community Colleges.—The state's 28 public community colleges.

(c) Division of Colleges and Universities.—The state's public universities and colleges and the 4-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, to enable more effective articulation between these public and private institutions. The division chancellor shall administer those provisions of chapter 246 that apply to the independent colleges and universities within the division and shall establish a liaison responsible for partnerships that enhance articulation between and communication with Florida's 4-year independent colleges and universities.

(d) Division of Independent Education.—The independent education providers within the state, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities, except those identified under paragraph (c), and private postsecondary career preparation and vocational training institutions.

1. The division shall be under an executive director and shall house a new commission, appointed by the Governor, to oversee licensing of independent postsecondary institutions, consumer protection, and program improvement. The commission shall have the powers and duties of the State Board of Independent Colleges and Universities specified in chapter 246, except the powers and duties relating to those institutions identified under paragraph (c), and of the State Board of Nonpublic Career Education.

2. The division shall serve as the advocate for and liaison to the independent education providers identified in this paragraph.

3. The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students.

4. The division shall afford students and parents educational options apart from the public K-20 system.

(5) Establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) Office of Technology and Information Services.—In conjunction with the Chancellor of Public Schools, the Chancellor of Community Colleges, and the Chancellor of Colleges and Universities, the office shall be responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual High School shall be administratively housed within the office.

(b) Office of Workforce and Economic Development.—The office shall evaluate the role of each sector of education in Florida's workforce and economic development, assess the specific work skills and variety of careers provided, and report to the Florida Board of Education the effectiveness of each sector.

(c) Office of Educational Facilities and SMART Schools Clearinghouse.—The office shall validate all educational plant surveys and verify Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested. The office, staff, property, and functions of the SMART Schools Clearinghouse are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

(d) Office of Student Financial Assistance.—The office shall provide access to and administer state and federal grants, scholarships, and loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(6) Establish a K-20 education leadership team, including, but not limited to, the Secretary of the Florida Board of Education and the education governance officers. The leadership team shall be responsible for systemwide horizontal and vertical communication, and assisting the achievement of the seamless K-20 education system.

Section 12. Section 229.0074, Florida Statutes, is created to read:

229.0074 Division of Independent Education.—

(1) The mission of the Division of Independent Education is to enhance the opportunity to raise the educational attainment levels of students pursuing their education in nongovernment settings by representing their interests, and those of the institutions that serve them, in the Department of Education. The Division of Independent Education has no authority over the institutions or students in Florida's independent education sector. The Commission for Independent Education, administratively housed within the division, shall have such authority as specified in chapter 246 relating to independent postsecondary education, except regarding those institutions described in s. 229.0073(4)(c). The division shall serve as the advocate for, and liaison to, independent education providers and institutions, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities except as otherwise provided in s. 229.0073(4)(c), and private postsecondary career preparation/vocational training institutions.

(2) The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students. The executive director shall:

(a) Learn the interests and concerns of the students and providers of independent education at all levels in order to strongly represent them in the Department of Education.

(b) Articulate the interests and concerns of the students and providers of independent education at all levels in all relevant government settings, accurately reflecting the consensus or differences in opinion among those represented.

(c) Participate with the other division heads in key education decisionmaking processes.

(d) Monitor and participate in rulemaking and other activities relevant to the interests of the independent education sector.

(e) Serve as a key spokesperson for the independent education sector.

(f) Advocate for any necessary educational services and funds for independent education sector families and schools.

(g) Establish a clearinghouse of information.

(h) Foster a collaborative spirit and working relationship among the institutions of the private and public sectors.

(i) Identify and convey the best practices of the independent education sector for the benefit of the other education delivery sectors, and vice versa.

(j) Augment, where appropriate, the efforts of groups representing the students and providers of independent education to communicate their concerns to government.

(k) Facilitate the administration of education services provided by the Department of Education to the independent education sector, such as those relating to teacher certification and background checks.

(l) Encourage student-centered funding and the expansion of family choice in education.

(m) Develop and propose courses of action to the representatives of the independent education sector.

(n) Communicate relevant decisions to the independent education sector.

(o) Establish and oversee the division staff necessary to carry out the division's functions in the most economical and effective manner.

(p) Evaluate pending policies to ensure they do not place additional regulation or mandates on the independent education community.

(3) The powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, shall be combined and transferred to a single board named the Commission for Independent Education, which shall be administratively housed within the division. This single board shall authorize granting of certificates, diplomas, and degrees for independent postsecondary education institutions through exemption, registration, authorization, and licensing.

(4) The Commission for Independent Education shall consist of six citizens who are residents of this state. The commission shall function in matters relating to independent postsecondary education institutions in consumer protection, program improvement, registration, authorization, licensure, and certificate of exemption from licensure for institutions under its purview, in keeping with the stated goals of the seamless K-20 education system. The commission shall appoint an executive director to serve as secretary of the commission and shall elect a chair and other officers as needed from among its membership. Members of the commission shall be appointed by the Governor and confirmed by the Senate. The commission shall be composed of six members, as follows:

(a) One member from an independent college or university that enrolls students who receive state or federal financial aid.

(b) One member from an independent college or university that does not enroll students who receive state or federal financial aid excluding veteran's benefits.

(c) One member from an independent nondegree granting school that enrolls students who receive state or federal financial aid.

(d) One member from a public school district or community college who is an administrator of vocational-technical education.

(e) Two lay members who are not affiliated with an independent postsecondary education institution.

(5) The establishment of the Division of Independent Education shall not be construed to advance the extension or expansion of government regulation of independent or home education programs and nothing contained in this act shall authorize the state or any school district to further regulate, control, or interfere with the autonomy of independent K-12 schools or home education programs, or their governance, curriculum, accreditation, testing, or other practices.

Section 13. Section 229.008, Florida Statutes, is created to read:

229.008 Boards of trustees of the state universities.—

(1)(a) Effective July 1, 2001, and no later than November 1, 2001, the Governor shall appoint a 13-member board of trustees for each university in the State University System, each member to be confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, a student body president shall serve as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(b) The Governor may remove a trustee upon the recommendation of the Florida Board of Education, or for cause.

(2) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including a corporate seal, the power to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board or, in the absence of the chair, on the corporate secretary or designee.

(3) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.

(4) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.

(5) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair.

(6) Upon appointment, each board of trustees shall commence professional orientation, training, and board development activities, and shall begin setting direction for its university in keeping with accountability and performance expectations of the seamless K-20 education system. Each board of trustees shall submit to the Florida Board of Education action plans and timelines for devolution of duties and responsibilities to the board of trustees.

(7) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and rules of the Florida Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

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

(9) University boards of trustees shall be "corporations primarily acting as instrumentalities or agencies of the state," pursuant to s. 768.28(2), for purposes of sovereign immunity.

Section 14. Section 229.0081, Florida Statutes, is created to read:

229.0081 Powers and duties of university boards of trustees.—

(1) Notwithstanding the provisions of chapter 240, each university board of trustees is vested with the authority to govern and set policy for its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the Florida Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the Florida Board of Education or the Commissioner of Education.

(2) Notwithstanding the provisions of chapter 240, each university board of trustees may adopt rules and policies consistent with the university mission, with law, and with rule of the Florida Board of Education, including rules and policies for the following:

(a) Selecting the president to serve at the pleasure of the board and perform such duties as are assigned by the board or otherwise provided by law or by rule.

(b) Fixing the compensation and other conditions of employment of the president.

(c) Conducting periodic evaluations of the president, submitting such evaluations to the Chancellor for review, and suspending or removing the president in accordance with guidelines established by the Chancellor.

(d) Appointing a presidential search committee to make recommendations to the full board of trustees, from which the board shall select a candidate for reference to the Chancellor and ratification by the Florida Board of Education.

(e) In consultation with the university president, defining and developing a strategic plan for the university for recommendation to the Chancellor, the Commissioner of Education, and the Florida Board of Education, as provided by law, specifying institutional goals and objectives.

(f) In consultation with the university president, providing for academic freedom and academic responsibility at the university.

(g) In consultation with the university president, submitting an institutional budget request, including a request for fixed capital outlay, to the Chancellor in accordance with guidelines established by the Florida Board of Education.

(h) Approving new, and terminating existing, undergraduate and graduate degree programs up to and including the master's degree level, based on criteria established by the Florida Board of Education.

(i) Purchasing, acquiring, receiving, holding, owning, managing, leasing, selling, disposing of, and conveying title to real property, in accordance with rules and guidelines of the Florida Board of Education.

(j) Entering into agreements for and accepting credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

(k) Establishing codes of conduct and appropriate penalties for violations of university rules by students and student organizations, including rules governing student academic honesty.

(l) Establishing a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.

(m) Administering the personnel program for all employees of the university in accordance with law and with rules and guidelines of the Florida Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, recognition, inventions and works, travel, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.

(n) Establishing and maintaining a personnel exchange program.

(o) Governing admission of students subject to the rules of the Florida Board of Education.

(p) Considering the past actions of any person applying for admission, enrollment, or employment, and establishing policies to deny admission, enrollment, or employment to an applicant because of misconduct if determined to be in the best interest of the university.

(q) Ensuring compliance with federal laws, regulations, and requirements.

(r) Using, maintaining, protecting, and controlling university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, human subjects, animals, and sound.

(s) Providing and coordinating policies relating to credit and noncredit educational offerings by the university.

(t) Administering a procurement program for the purchase, lease, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the university.

(u) Supervising faculty practice plans for the academic health science centers.

(v) Prescribing conditions for university health services support organizations to be certified and to use university property and services.

(w) Prescribing conditions, which include audit review and oversight by the board of trustees, for university direct-support organizations to use university property and services.

(3) Each board of trustees shall actively implement a plan, in accordance with guidelines of the Florida Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(4) Notwithstanding the provisions of s. 216.351, a state university board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(5) Effective July 1, 2002, within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees. The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the matriculation fee established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities that are not required as a part of registration for courses.

(6) Effective July 1, 2002, each board of trustees shall implement the university facilities plan in accordance with law and guidelines of the Commissioner of Education's Office of Educational Facilities and SMART Schools Clearinghouse.

(7) A board of trustees shall perform such other duties as are provided by law or rule of the Florida Board of Education.

Section 15. Section 229.0082, Florida Statutes, is created to read:

229.0082 University presidents; powers and duties.—The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university. Each university president shall:

(1) Recommend the adoption of rules, as appropriate, to the state university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the Florida Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the Florida Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the Florida Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for the acquisition of commodities, goods,

equipment, services, leases of real and personal property, and planning and construction to be rendered to or by the university, provided such contracts are within law and guidelines of the Florida Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

(6) Act for the university board of trustees as custodian of all university property. The authority vested in the university president under this subsection includes the authority to prioritize the use of university space, property, equipment, and resources and the authority to impose charges for the use of those items.

(7) Establish the internal academic calendar of the university within general guidelines of the Florida Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the Florida Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the Florida Board of Education.

(14) Enter into agreements for student exchange programs which involve students at the university and students in other institutions of higher learning.

(15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.

(16) Ensure compliance with federal and state laws, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment by the university of institutional and statewide performance accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

Section 16. *Effective July 1, 2001, the Florida Partnership for School Readiness is transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, from the Executive Office of the Governor to the Agency for Workforce Innovation.*

Section 17. *Effective July 1, 2001, the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Children and Family Services and the Florida Partnership for School Readiness signed on March 15, 2001, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.*

Section 18. *Effective July 1, 2001, the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Education and the Florida Partnership for School Readiness, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.*

Section 19. *For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.*

Section 20. Section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(1) SHORT TITLE.—This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated and funding integrated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to carry out the duties of the Florida Partnership for School Readiness, as the school readiness programs are to be locally designed, operated, and managed, with the Florida Partnership for School Readiness adopting a system for measuring school readiness; developing school readiness program performance standards, outcome measurements, and data design and review; and approving and reviewing local school readiness coalitions and plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.

(g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.

(h) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system except for the administration of the uniform screening system upon entry into kindergarten.

(3) SCHOOL READINESS PROGRAM.—

(a) The school readiness program shall be phased in on a coalition-by-coalition basis. Each coalition's school readiness program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start programs, Even-Start

literacy programs, prekindergarten early intervention programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.

(b) Nothing contained in this act is intended to:

1. Relieve parents and guardians of their own obligations to ready their children for school; or

2. Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(a) ~~There is created~~ The Florida Partnership for School Readiness *was created to fulfill three major purposes: to administer school readiness program services that help parents prepare eligible children for school; to coordinate the provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds.* ~~with responsibility for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all school readiness programs, while allowing a wide range of programmatic flexibility and differentiation.~~ The partnership is assigned to the *Agency for Workforce Innovation* ~~Executive Office of the Governor~~ for administrative purposes.

(b) The Florida Partnership for School Readiness shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible pursuant to subsection (6) and the programmatic, administrative, and fiscal standards pursuant to this section for all public providers of school readiness programs.

2. Continue to provide unified leadership for school readiness through local school readiness coalitions.

3. Focus on improving the educational quality of all publicly funded school readiness programs.

(c)~~(b)~~1. The Florida Partnership for School Readiness shall include the Lieutenant Governor, the Commissioner of Education, the Secretary of Children and Family Services, and the Secretary of Health, or their designees, and the chair of the Child Care Executive Partnership Board, and the chairperson of the Board of Directors of Workforce Florida, Inc. When the Lieutenant Governor or an agency head appoints a designee, the designee must be an individual who attends consistently, and, in the event that the Lieutenant Governor or agency head and his or her designee both attend a meeting, only one of them may vote.

2. The partnership shall also include *14* ~~10~~ members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not *have a direct contract with any local coalition to provide school readiness services* ~~be providers in the early education and child care industry~~. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor~~. Eight of the members shall be appointed~~ from a list of ~~10~~ nominees~~, of which five must be~~ submitted by the President of the Senate and ~~five must be submitted by~~ the Speaker of the House of Representatives. *By July 1, 2001, four members shall be appointed as follows: two members shall be from the child care industry, one representing the private for-profit sector appointed by the Governor from a list of two nominees submitted by the President of the Senate and one representing faith-based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives; and two members shall be from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives.* Members shall be appointed to 4-year terms of office. ~~However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms.~~ The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.

(d)~~(c)~~ The partnership shall meet at least quarterly but may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the partnership shall participate without proxy at the quarterly meetings. The partnership may take official action by a majority vote of the members present at any meeting at which a quorum is present. ~~The partnership shall hold its first meeting by October 1, 1999.~~

(e)~~(d)~~ Members of the partnership are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness.

(f)~~(e)~~ Members of the partnership shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and reimbursement for other reasonable, necessary, and actual expenses.

(g)~~(f)~~ For the purposes of tort liability, the members of the partnership and its employees shall be governed by s. 768.28.

(h)~~(g)~~ The partnership shall appoint an executive director *who shall* ~~to~~ serve at *the* ~~its~~ pleasure *of the Governor. The executive director* ~~who~~ shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.

(i)~~(h)~~ For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the partnership may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities pursuant to federal law.

(j)~~(i)~~ The Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and periodic review of coalitions and plans.

3. Provide leadership for enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the partnership may develop and implement specific strategies that address the state's school readiness programs.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the state's children.

5. Provide technical assistance to coalitions.

6. Assess gaps in service.

7. Provide technical assistance to counties that form a multicounty coalition.

8.a. ~~By July 1, 2000,~~ Adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goal. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and local program administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.

b. ~~By December 31, 2000, the partnership shall also~~ Adopt a system for evaluating the performance of students through the third grade to

compare the performance of those who participated in school readiness programs with the performance of students who did not participate in school readiness programs in order to identify strategies for continued successful student performance.

9. ~~By June 1, 2000,~~ Develop and adopt performance standards and outcome measures.

~~10. In consultation with the Postsecondary Education Planning Commission and the Education Standards Commission, assess the expertise of public and private Florida postsecondary institutions in the areas of infant and toddler developmental research; the related curriculum of training, career, and academic programs; and the status of articulation among those programs. Based on this assessment, the partnership shall provide recommendations to the Governor and the Legislature for postsecondary program improvements to enhance school readiness initiatives.~~

(k)~~(j)~~ The partnership may adopt rules necessary to administer the provisions of this section which relate to preparing and implementing the system for school readiness, collecting data, approving local school readiness coalitions and plans, providing a method whereby a coalition can serve two or more counties, awarding incentives to coalitions, and issuing waivers.

(l)~~(k)~~ The Florida Partnership for School Readiness shall have all powers necessary to carry out the purposes of this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.

~~(l) The Florida Partnership for School Readiness shall be an independent, nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.~~

(m) The Florida Partnership for School Readiness shall have a budget, shall be financed through an annual appropriation made for this purpose in the General Appropriations Act, and shall be subject to compliance audits and annual financial audits by the Auditor General.

(n) The partnership shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the *Florida* ~~State~~ Board of Education, and the Legislature.

(o) ~~By July 1, 2000,~~ The partnership shall prepare and submit to the *Florida* ~~State~~ Board of Education a system for measuring school readiness. The system must include a uniform screening, which shall provide objective data regarding the following expectations for school readiness which shall include, at a minimum:

1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

2. The child's physical development.

3. The child's compliance with rules, limitations, and routines.

4. The child's ability to perform tasks.

5. The child's interactions with adults.

6. The child's interactions with peers.

7. The child's ability to cope with challenges.

8. The child's self-help skills.

9. The child's ability to express his or her needs.

10. The child's verbal communication skills.

11. The child's problem-solving skills.

12. The child's following of verbal directions.

13. The child's demonstration of curiosity, persistence, and exploratory behavior.

14. The child's interest in books and other printed materials.

15. The child's paying attention to stories.

16. The child's participation in art and music activities.

17. The child's ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

(p) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.

~~(q) The partnership shall recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs that prepare children for school.~~

(q)~~(r)~~ The partnership shall conduct studies and planning activities related to the overall improvement and effectiveness of school readiness measures.

~~(s) By February 1, 2000, the partnership shall work with the Office of the Comptroller for electronic funds transfer.~~

~~(t) By February 1, 2000, the partnership shall present to the Legislature a plan for combining funding streams for school readiness programs into a School Readiness Trust Fund.~~

(r)~~(u)~~ The partnership shall establish procedures for performance-based budgeting in school readiness programs.

(s)~~(v)~~ The partnership shall submit an annual report of its activities to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the partnership's reports and recommendations shall be made available to the *Florida* ~~State~~ Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs and the number of children who were ready for school.

(t)~~(w)~~ The partnership shall work with school readiness coalitions to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(5) CREATION OF SCHOOL READINESS COALITIONS.—

(a) School readiness coalitions.—

1. If a coalition's plan would serve less than 400 birth-to-kindergarten age children, the coalition must either join with another county to form a multicounty coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single-county coalition and meet all required performance standards and outcome measures.

2. Each coalition shall have at least 18 but not more than 25 members and such members must include the following:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce development board chair or director, where applicable.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. A child care licensing agency head.

g. One member appointed by a Department of Children and Family Services district administrator.

h. One member appointed by a board of county commissioners.

i. One member appointed by a district school board.

j. A central child care agency administrator.

k. A Head Start director.

l. A representative of private child care providers.

m. A representative of faith-based child care providers.

More than one-third of the coalition members must be from the private sector, and neither they nor their families may earn an income from the early education and child care industry. To meet this requirement a coalition must appoint additional members from a list of nominees presented to the coalition by a chamber of commerce or economic development council within the geographic area of the coalition.

3. No member of a coalition may appoint a designee to act in his or her place. A member may send a representative to coalition meetings, but that representative will have no voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a school readiness coalition, the designee will be the voting member of the coalition, and any individual attending in his or her place, including the district administrator or superintendent, will have no voting privileges.

~~4. The school readiness coalition shall replace the district interagency coordinating council required under s. 230.2305.~~

4.~~5.~~ Members of the coalition are subject to the ethics provisions in part III of chapter 112.

5.~~6.~~ For the purposes of tort liability, the members of the school readiness coalition and its employees shall be governed by s. 768.28.

6.~~7.~~ Multicounty coalitions shall include representation from each county.

7.~~8.~~ The terms of all appointed members of the coalition must be staggered. Appointed members may serve a maximum of two terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(b) Program participation.—The school readiness program shall be established for children from birth to 5 years of age or until the child enters kindergarten. The program shall be administered by the school readiness coalition. Within funding limitations, the school readiness coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must prepare preschool children to enter kindergarten ready to learn, as measured by criteria established by the Florida Partnership for School Readiness.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list.

f. As long as funding or eligible populations do not decrease, the program must serve at least as many children as were served prior to implementation of the program.

g. There must be a community plan to address the needs of all eligible children.

h. The program must meet all state licensing guidelines, where applicable.

2. The school readiness coalition must implement a comprehensive program of readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures specified by the partnership. At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum.

b. A character development program to develop basic values.

c. An age-appropriate assessment of each child's development.

d. A pretest administered to children when they enter a program and a posttest administered to children when they leave the program.

e. An appropriate staff-to-child ratio.

f. A healthful and safe environment.

g. A resource and referral network to assist parents in making an informed choice.

(d) Implementation.—

1. The school readiness program is to be phased in. Until the coalition implements its plan, the county shall continue to receive the services identified in subsection (3) through the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to approval of the coalition and the plan by the Florida Partnership for School Readiness.

2. Each school readiness coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures established by the partnership. The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the school readiness coalition must submit the plan to the partnership for approval. The partnership may approve the plan, reject the plan, or approve the plan with conditions. The *Florida Partnership for School Readiness shall review coalition plans at least annually.* ~~plan shall be reviewed, revised, and approved biennially.~~

3. The plan for the school readiness program must include the following minimum standards and provisions:

a. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the *partnership* ~~respective program provider~~. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the coalition's county pursuant to subsection (6).

e. Performance standards and outcome measures established by the partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures.

f. Reimbursement rates that have been developed by the coalition. *Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.*

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. A business plan, which must include the contract with a school readiness agent if the coalition is not a legally established corporate entity. Coalitions may contract with other coalitions to achieve efficiency in multiple-county services, and such contracts may be part of the coalition's business plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the plan, the coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If any school readiness plan can demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the partnership may be made as part of the plan. Upon review, the partnership may grant the proposed modification.

4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

5. The coalition may not implement its plan until it submits the plan to and receives approval from the partnership. Once the plan has been approved, the plan and the services provided under the plan shall be controlled by the coalition rather than by the state agencies or departments. The plan shall be reviewed and revised as necessary, but at least biennially.

6. The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., ~~228.061(1) and (2), 230.2306,~~ 411.221, ~~411.222,~~ and 411.232. To facilitate innovative practices and to allow local establishment of school readiness programs, a school readiness coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. ~~230.2303, 230.2305,~~ 230.23166, ~~402.3015,~~ 411.223, and 411.232, if the waiver is necessary for implementation of the coalition's school readiness plan.

7. Two or more counties may join for the purpose of planning and implementing a school readiness program.

8. A coalition may, subject to approval of the partnership as part of the coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services.

9. Coalitions are authorized to enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(e) Requests for proposals; payment schedule.—

1. At least once every 3 years, beginning July 1, 2001, each coalition must follow the competitive procurement requirements of s. 287.057 for school readiness programs.

2. Each coalition shall develop a payment schedule that encompasses all programs funded by that coalition. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted to the partnership for information. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for family childcare.

(f) Requirements relating to fiscal agents.—If the local coalition is not a legally established corporate entity, the coalition must designate a fiscal agent, which may be a public entity or a private nonprofit organization. The fiscal agent shall be required to provide financial and administrative services pursuant to a contract or agreement with the school readiness coalition. The fiscal agent may not provide direct early education or child care services; however, a fiscal agent may provide such services upon written request of the coalition to the partnership and upon the approval of such request by the partnership. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the school readiness coalition. If the fiscal agent is a provider of early education and care programs, the contract must specify that the fiscal agent will act on policy direction from the coalition and will not receive policy direction from its own corporate board regarding disbursal of coalition funds. The fiscal agent shall disburse funds in accordance with the approved coalition school readiness plan and based on billing and disbursement procedures approved by the partnership. The fiscal agent must conform to all data-reporting requirements established by the partnership.

~~(g) Coalition initiation grants; incentive bonuses.—~~

~~1. School readiness coalitions that are approved by the Florida Partnership for School Readiness by January 1, 2000, shall be eligible for a $50,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~2. School readiness coalitions that are approved by the Florida Partnership for School Readiness by March 1, 2000, shall be eligible for a $25,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~3. School readiness coalitions that have their plans approved by July 1, 2000, shall receive funding from the Florida Partnership for School Readiness in fiscal year 2000-2001, and each year thereafter.~~

~~4. Upon approval by the Florida Partnership for School Readiness of any coalition's plan that clearly shows enhancement in the quality and standards of the school readiness program without diminishing the number of children served in the program, the partnership shall award the coalition an incentive bonus, subject to appropriation.~~

~~5. In fiscal year 2000-2001, and each year thereafter, any increases in funding for school readiness programs shall be administered through school readiness coalitions.~~

~~6. In fiscal year 2001-2002, the Florida Partnership for School Readiness shall request proposals from government agencies and nonprofit corporations for the development and operation of a school readiness coalition in each county that does not have an approved coalition by March 1, 2001.~~

(g)~~(h)~~ Evaluation and annual report.—Each school readiness coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Florida Partnership for School Readiness. This report must conform to the content and format specifications set by the Florida Partnership for School Readiness. The partnership must include an analysis of the coalition reports in its annual report.

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

(d) Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

An "economically disadvantaged" child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

(7) PARENTAL CHOICE.—

(a) The school readiness program shall provide parental choice pursuant to a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(c) The Office of the Comptroller shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. School readiness coalitions shall fully implement the electronic funds transfer system within 2 years after plan approval unless a waiver is obtained from the partnership.

(8) STANDARDS; OUTCOME MEASURES.—All publicly funded school readiness programs shall be required to meet the performance standards and outcome measures developed and approved by the partnership. The Office of Program Policy Analysis and Government Accountability shall provide consultation to the partnership in the development of the measures and standards. These performance standards and outcome measures shall ~~be adopted by June 1, 2000, and shall~~ be applicable on a statewide basis.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early education and child care programs operating in this state.

(b) Notwithstanding s. 20.50:

1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies pursuant to contract with the Florida Partnership for School Readiness and shall prepare and submit a unified budget request for the school readiness program in accordance with chapter 216.

2. All instructions to local school readiness coalitions shall emanate from the Agency for Workforce Innovation pursuant to policies of the Legislature, plans of the Florida Partnership for School Readiness, and the contract between the Florida Partnership for School Readiness and the agency.

(c) The Agency for Workforce Innovation shall prepare a plan that provides for the distribution and expenditure of all state and federal school readiness funds for children participating in public or private school readiness programs based upon an equity and performance funding formula. The plan shall be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize the transfer of funds to the Agency for Workforce Innovation for distribution in accordance with the provisions of the formula.

(d)~~(b)~~ All state funds budgeted for a county for the programs specified in subsection (3), along with the pro rata share of the state administrative costs of those programs in the amount as determined by the partnership, all federal funds and required local matching funds for a county for programs specified in subsection (3), and any additional funds appropriated or obtained for purposes of this section, shall be transferred for the benefit of the coalition for implementation of its plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the partnership shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the plan, but total administrative expenditures shall not exceed 5 percent unless specifically waived by the partnership. The partnership shall annually report to the Legislature any problems relating to administrative costs.

~~(c) By February 15, 2000, the partnership shall present to the Legislature recommendations for combining funding streams for school readiness programs into a School Readiness Trust Fund. These recommendations must include recommendations for the inclusion or noninclusion of prekindergarten disabilities programs and funding.~~

(e)~~(d)~~ The partnership shall annually distribute all eligible funds as block grants to assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.

(f)~~(e)~~ State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. ~~By February 15, 2000,~~ The partnership shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g)~~(f)~~ All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund the local school readiness program.

(10) SCHOOL READINESS UNIFORM SCREENING.—The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 228.093, the department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.

(11)~~(10)~~ REPORTS.—The Office of Program Policy Analysis and Government Accountability shall assess the implementation, efficiency, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. Subsequent reviews shall be conducted at the direction of the Joint Legislative Auditing Committee.

(12)~~(11)~~ CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.

Section 21. *Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.*

Section 22. Effective January 1, 2002, paragraph (a) of subsection (6) and subsection (10) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

~~2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall not include children enrolled in the prekindergarten early intervention program established in s. 230.2305.~~

~~3. The Department of Children and Family Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.~~

2.~~4.~~ The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload, utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.

(10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.—

(a) Duties.—

1. The School Readiness Program Estimating Conference shall develop ~~such~~ estimates and forecasts of the *unduplicated count of children* ~~number of individuals~~ eligible for school readiness programs in accordance with the standards of eligibility established *in s. 411.01(6)* ~~by state or federal statute or administrative rule~~ as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

~~2. In addition, the School Readiness Program Estimating Conference shall estimate the unduplicated count of children who are eligible for services under the school readiness program.~~

2.~~3.~~ The Florida Partnership for School Readiness shall provide information on needs and waiting lists for school readiness program services requested by the School Readiness Program Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Florida Partnership for School Readiness, *the Agency for Workforce Innovation,* the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the School Readiness Program Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 23. Effective January 1, 2002, paragraph (a) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 School attendance.—

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules prescribed by the school board.

~~3. Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten early intervention programs during that school year as provided in s. 230.2305 or a preschool program as provided in s. 228.061.~~

Section 24. Effective January 1, 2002, paragraphs (b) and (c) of subsection (1) and subsection (4) of section 445.023, Florida Statutes, are amended to read:

445.023 Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(b) The child or children are considered to be children with special needs ~~as defined by the subsidized child care program authorized under s. 402.3015~~.

(c) The family meets the income guidelines established under s. *411.01(6)* ~~402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care~~, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(4) In addition to *school readiness* ~~child care~~ services provided under s. *411.01* ~~402.3015~~, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash assistance ends.

Section 25. *Effective January 1, 2002, subsections (1) and (2) of section 228.061, paragraph (o) of subsection (4) of section 230.23, sections 230.2303, 230.2305, and 230.2306, Florida Statutes, are repealed.*

Section 26. *Effective January 1, 2002, section 402.28, subsection (1) of section 402.281, sections 402.3015, 402.3027, and 402.3028, subsection (18) of section 402.305, section 402.3052, paragraph (c) of subsection (2) of section 402.3135, and subsections (2) and (6) of section 402.45, Florida Statutes, are repealed.*

Section 27. *Effective January 1, 2002, paragraph (a) of subsection (1) of section 391.304 and section 411.222, Florida Statutes, are repealed.*

Section 28. Section 228.082, Florida Statutes, is amended to read:

228.082 The Florida *Virtual* ~~On-Line~~ High School.—

(1)*(a)* The Florida *Virtual* ~~On-Line~~ High School is established for the development and delivery of on-line and distance learning education *and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the Florida Board of Education and the Legislature*.

(b) The mission of the Florida Virtual High School is to provide students with high-quality technology-based educational opportunities to gain the knowledge and skills necessary to succeed in the 21st century.

The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

(c) To ensure students are informed of the opportunities offered by the Florida Virtual High School, the commissioner shall provide the board of trustees access to the records of public school students in a format prescribed by the board of trustees.

The board of trustees of the Florida Virtual High School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida *Virtual* ~~On-Line~~ High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or ~~his~~ designee from the State Technology Office ~~pursuant to ch. 2000-164, Laws of Florida~~. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida *Virtual* ~~On-Line~~ High School. The board of trustees shall have the following powers and duties:

(a)*1.* The board of trustees shall meet ~~within 30 days of July 1, 2000, and shall continue to meet~~ at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

~~(b) Until not more than 60 days after the initial meeting of the board, the current governance structure of the Florida On-Line High School shall be maintained.~~

2.~~(c)~~ The fiscal year for the Florida *Virtual* ~~On-Line~~ High School shall be the state fiscal year as provided in s. 216.011(1)(n).

(b) The board of trustees shall be responsible for the Florida Virtual High School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program, by fiscal year 2003-2004. Beginning in fiscal year 2001-2002, the school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home school students by program. Information shall also be collected which reflects any other school in which a virtual high school student is enrolled.

(c)~~(d)~~ The board of trustees shall *aggressively seek avenues to generate revenue to support its future endeavors, and shall* enter into agreements with distance learning providers. *The board of trustees* ~~and~~ may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

(d)~~(e)~~ The board of trustees shall annually prepare and submit *to the Florida Board of Education* a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 235.41. The legislative budget request of the Florida *Virtual* ~~On-Line~~ High School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education.

(e)~~(f)~~ *In accordance with law and rules of the Florida Board of Education,* the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida *Virtual* ~~On-Line~~ High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board for the Florida *Virtual* ~~On-Line~~ High School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida *Virtual* ~~On-Line~~ High School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida *Virtual* ~~On-Line~~ High School shall be entitled to a contract as provided by rules of the board.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(f)~~(g)~~ The board of trustees shall establish priorities for admission of students *in accordance with paragraph (1)(b).*

(g)~~(h)~~ The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida *Virtual* ~~On-Line~~ High School. Such procedures shall be designed to minimize paperwork and *fairly resolve the issue of double funding students taking courses online* ~~maximize participation by students~~.

(h)~~(i)~~ The board of trustees shall annually submit to the *Florida Board* ~~Department~~ of Education both forecasted and actual enrollments for the Florida *Virtual* ~~On-Line~~ High School, according to procedures established by the *Florida Board* ~~Department~~ of Education. At a minimum, such procedures must include the number of public, private, and home school students served by district.

(i)~~(j)~~ The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee records shall be subject to the provisions of s. 231.291.

(j)~~(k)~~ The financial records and accounts of the Florida *Virtual* ~~On-Line~~ High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the *Florida* ~~State~~ Board

of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida *Virtual* ~~On-Line~~ High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law *and rules of the Florida Board of Education* related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida *Virtual* ~~On-Line~~ High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3)*(a) Until fiscal year 2003-2004,* the Commissioner of Education shall include the Florida *Virtual* ~~On-Line~~ High School as a grant-in-aid appropriation in the department's legislative budget request to the *Florida* ~~State~~ Board of Education, the Governor, and the Legislature,~~.~~

~~(a)~~ subject to any guidelines imposed in the General Appropriations Act~~, funds for the operation of the Florida On-Line High School shall be requested and appropriated within the Department of Education as a grant-in-aid category until such time as the Legislature authorizes a different funding mechanism~~.

(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida *Virtual* ~~On-Line~~ High School.

~~(c) Priorities for the delivery of services by the Florida On-Line High School shall ensure that priority access is provided equitably across the state.~~

(4) Under no circumstance may the credit of the state be pledged on behalf of the Florida *Virtual* ~~On-Line~~ High School.

(5) ~~By January 1, 2001,~~ The board of trustees shall *annually* submit to the Governor, the Legislature, *the Commissioner of Education,* and the *Florida Board of* Education ~~Reorganization Transition Commission~~ a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida *Virtual* ~~On-Line~~ High School.

(b) The marketing and operational plan for the Florida *Virtual* ~~On-Line~~ High School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida *Virtual* ~~On-Line~~ High School at the end of the fiscal year.

(d) A copy of an annual financial and compliance audit of the accounts and records of the Florida *Virtual* ~~On-Line~~ High School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida *Virtual* ~~On-Line~~ High School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data ~~and reflect the costs associated with maintaining a state-of-the-art on-line high school, including the costs associated with maintaining a high-quality research and development effort to locate and assimilate, or develop, Internet-based courses~~.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida *Virtual* ~~On-Line~~ High School.

(6) The Auditor General may, pursuant to his or her own authority, or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the Florida *Virtual* ~~On-Line~~ High School.

(7) The *Florida* ~~State~~ Board of Education may adopt rules it deems necessary to implement reporting requirements for the Florida *Virtual* ~~On-Line~~ High School.

Section 29. *The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241, Florida Statutes, are specifically exempt from this provision.*

Section 30. *Effective June 30, 2002, section 229.8065, Florida Statutes, is repealed.*

Section 31. Effective July 1, 2002, subsection (2) of section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

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

Section 32. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. ~~The board may also acquire the same commodities, goods, equipment, contractual services, leases, and construction for use by a university when the contractual obligation exceeds $1 million.~~ Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

Section 33. *Subsections (2), (4), and (5), paragraphs (b), (c), and (d) of subsection (1), and paragraphs (a), (c), (d), and (e) of subsection (3) of section 235.217, Florida Statutes, are repealed.*

Section 34. *Sections 240.145, 240.147, 240.227, 240.307, subsection (2) of section 240.209, and subsection (4) of section 240.311, Florida Statutes, are repealed.*

Section 35. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access ~~program; funding~~.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to *further expand access to baccalaureate degree programs through the use of community colleges* ~~apply this concept in the creation and funding of a program that supports local economic development and responds to~~

~~public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions~~.

(2) *A community college may be authorized by the Florida Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:*

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(3) A community college may not terminate its associate in arts or associate in science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a community college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

~~(2) Categorical funding is authorized for the site-determined baccalaureate degree access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.~~

~~(3) Each community college wishing to participate in the site-determined baccalaureate degree access program must:~~

~~(a) Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term "economic development" means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.~~

~~(b) Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.~~

~~(c) Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:~~

~~1. A description of each proposed baccalaureate degree program identifying the junior-level and senior-level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.~~

~~2. Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.~~

~~3. An estimated number of students to be served by each proposed degree program.~~

~~4. An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.~~

~~5. Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate degree access program at any community college.~~

~~6. A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.~~

~~7. Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.~~

~~(4) The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.~~

~~(5) Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4-year postsecondary institution selected to provide the upper-level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:~~

~~(a) A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.~~

~~(b) An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.~~

~~(c) The provision of library services and student support services.~~

~~(d) An agreement that the participating 4-year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.~~

~~(e) The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.~~

~~(f) An agreement that in-state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out-of-state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site-determined baccalaureate degree program may not receive a Florida Resident Access Grant.~~

~~(6) Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site-determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site-determined baccalaureate degree access program. The community college shall distribute funds to the participating 4-year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper-level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full-time equivalent student enrolled in upper-level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4-year institution.~~

~~(7) The Postsecondary Education Planning Commission may require the participating community colleges and 4-year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the site-determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding mechanism created by this section. The commission shall review each site-determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4-year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site-determined baccalaureate degree access programs.~~

~~(8) If no accredited 4-year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.~~

Section 36. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County *and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.*

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the State of Florida.

Section 37. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida St. Petersburg campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting

in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) The Florida Institute of Oceanography, which is a Type One Institute.

(c) The University of South Florida Pediatric Research Center.

(d) The University of South Florida/USGS joint facility.

Section 38. *The University of South Florida Sarasota/Manatee.—*

(1) The Sarasota/Manatee campus of the University of South Florida is established and shall be known as the "University of South Florida Sarasota/Manatee."

(a) The Legislature intends that the University of South Florida Sarasota/Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota/Manatee be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida Sarasota/Manatee shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota/Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County are appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the Campus Board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida Sarasota/Manatee campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota/Manatee campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.

Section 39. *New College of Florida.—*

(1) MISSION AND GOALS.—As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:

(a) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.

(b) To engage in undergraduate educational reform by combining educational innovation with educational excellence.

(c) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.

(d) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

(2) ACCREDITATION.—As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) BOARD OF TRUSTEES.—The Governor shall appoint 12 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

(a) Three residents of Sarasota County.

(b) Two residents of Manatee County.

(c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, seven members selected from the Board of Trustees of the New College Foundation.

In addition, a student body president shall shall be a voting member of the board.

Section 40. *St. Petersburg College.—*

(1) LEGISLATIVE INTENT.—The Legislature intends to create an innovative means to increase access to baccalaureate degree level education in populous counties that are underserved by public baccalaureate degree granting institutions. This education is intended to address the state's workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.

(2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.—St. Petersburg Junior College is redesignated as St. Petersburg College. The college shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate degree granting college.

(a) The primary mission of St. Petersburg College is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.

(b) St. Petersburg College shall maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a public community college's authority.

(c) St. Petersburg College shall maintain the distinction between the college and its university center. St. Petersburg College is limited to community college programs and to selected baccalaureate degree level programs that meet community needs and are authorized as provided by this section. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as programs of St. Petersburg College.

(d) The academic policies of the upper-division program at St. Petersburg College must be in accordance with policies of the State University System.

(e) Sections 240.293 and 240.2945, Florida Statutes, apply to St. Petersburg College.

(3) STUDENTS; FEES.—

(a) St. Petersburg College shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the common course numbering and designation system. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate degree program student for enrollment in an upper-division course.

(b) The Board of Trustees of St. Petersburg College shall establish the level of matriculation, tuition, and other authorized student fees.

1. For each credit hour of enrollment in a certificate level course or lower-division level college credit course, matriculation and tuition fees must be within the range authorized in law and rule for a community college student at that level.

2. For each credit hour of enrollment in an upper-division level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of St. Petersburg College. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board shall establish fees for upper-division students within a range that is lower than the fees established for students at a public university but higher than the fees for community college students.

3. Other mandatory fees and local fees must be at the same level for all lower-division students. For upper-division students, other mandatory fees and local fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment or level. However, students in workforce development education courses maintain the authorized fee exemptions described in s. 239.117, Florida Statutes, and may be exempt from local fees imposed by the Board of Trustees, at the board's discretion.

(4) DEGREES.—

(a) In addition to the certificates, diplomas, and degrees authorized in s. 240.301, Florida Statutes, St. Petersburg College may offer selected baccalaureate degrees. Initially, the college may offer programs that lead to a baccalaureate degree in the following fields:

1. Bachelor of Science in Nursing. This program must be designed to articulate with the associate in science degree in nursing. St. Petersburg College shall continue to offer the associate in science degree in nursing.

2. Bachelor of Arts and Bachelor of Science in Elementary Education.

3. Bachelor of Arts and Bachelor of Science in Special Education.

4. Bachelor of Arts and Bachelor of Science in Secondary Education.

5. Bachelor of Applied Science in fields selected by the Board of Trustees of St. Petersburg College. The Board of Trustees shall base the selection on an analysis of workforce needs and opportunities in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Florida Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs.

(b) St. Petersburg College may offer courses that enable teachers to qualify for certification and recertification as required by law or rule.

(c) St. Petersburg College may offer programs to provide opportunities for a person who holds a baccalaureate degree, but is not certified to teach, to obtain any additional courses required for teacher certification.

(d) Master's degree level programs and doctoral programs may be provided by agreement with a college or university participating in the University Center of St. Petersburg College.

(e) For those students living outside Pinellas County, St. Petersburg College shall recruit for the upper-division only those students who have earned an associate degree. In recruiting upper-division students in Pasco and Hernando Counties, St. Petersburg College shall work cooperatively with Pasco-Hernando Community College and shall seek to offer courses and programs at Pasco-Hernando Community College when feasible. The nursing programs, in particular, must be conducted cooperatively, and programs at St. Petersburg College shall not conflict with Pasco-Hernando Community College's and the University of South Florida's cooperative nursing program.

(5) BOARDS.—

(a) The Board of Trustees of St. Petersburg Junior College is renamed the Board of Trustees of St. Petersburg College and serves as its governing board. The Governor shall appoint members as provided in s. 240.313, Florida Statutes, and the board has the duties and authorities granted in ss. 240.315 and 240.319, Florida Statutes, and by rules of the Florida Board of Education.

(b) The Board of Trustees of St. Petersburg College may authorize direct-support organizations as authorized in ss. 240.299 and 240.331, Florida Statutes.

(c) The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.

(d) A coordinating board shall assist the Board of Trustees in its deliberations concerning issues that affect the upper-division of St. Petersburg College. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairs of the boards of trustees of those institutions.

(e) Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.

(f) The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.

(g) If the coordinating board cannot decide an issue of importance to the programs designed for upper-division students, the chief educational officer of this state shall resolve the issue.

(6) EMPLOYEES.—

(a) Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching.

(b) Employee records for all personnel shall be maintained as required by s. 240.337, Florida Statutes.

(7) FACILITIES.—St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities in Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees of St. Petersburg College in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.

(8) STATE FUNDING.—

(a) The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division level college credit courses and programs.

(b) The Legislature intends to fund St. Petersburg College as a baccalaureate degree level institution for its upper-division level courses and programs.

(c) During the 2001-2002 fiscal year, St. Petersburg College shall estimate the appropriate level of funding for these programs. By March 1, 2002, the college shall complete a cost study and shall submit to the Legislature a proposal for cost accounting and legislative budget requests designed to acknowledge its unique classification. The cost study must indicate actual costs projected for the first 4 years of operation as a baccalaureate degree level institution, with the first students expected to enroll in the upper division in the fall semester of 2002.

Section 41. *Nothing contained within this act shall be construed to adversely impact the accreditation of the University of South Florida.*

Section 42. *Florida Bright Futures Scholarship Testing Program.—*

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than $46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate

of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

Section 43. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Florida Prepaid College Board.

(c) "Fund" means the Florida Prepaid College Trust Fund.

(d) "Program" means the Florida Prepaid College Program.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) FLORIDA PREPAID COLLEGE TRUST FUND.—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) PROGRAM ADMINISTRATION.—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence

of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a) Adopt an official seal and rules.

(b) Sue and be sued.

(c) Make and execute contracts and other necessary instruments.

(d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e) Invest funds not required for immediate disbursement.

(f) Appear in its own behalf before boards, commissions, or other governmental agencies.

(g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h) Require a reasonable length of state residence for qualified beneficiaries.

(i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) QUALIFIED STATE TUITION PROGRAM STATUS.—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a "qualified state tuition program" in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified benefi-

ciary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools* ~~Accrediting Commission of the Association of Independent Colleges and Schools~~, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract *at a state postsecondary institution* ~~or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee~~. If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) *or subsection (23)*, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b)*,* ~~and~~ (c), *and (f),* no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be *refunded* ~~returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be *refunded* ~~returned~~ to the purchaser *in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

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

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name*, at a minimum,* three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) SCHOLARSHIPS.—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 44. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 77, line 17 through page 81, line 5, delete those lines and insert: A bill to be entitled An act relating to education; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers and providing for appointment by the Florida Board of Education; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Council for Education Policy Research and Improvement, respectively; creating the Council for Education Policy Research and Improvement under the Office of Legislative Services; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education and the Secretary of the Florida Board of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Council for Education Policy Research and Improvement; providing duties of the council; providing for administrative functions; providing membership; providing for an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and its secretary to oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; providing for recommendations for performance-based funding; establishing mission, goals, and system-wide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education, and a Secretary of the Florida Board of Education; specifying duties of the Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory boards and to develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices, divisions, and a leadership team; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; providing that the Florida Education Governance Reorganization Implementation Act does not authorize further regulation of independent schools or home education programs; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including statewide staff, to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; designating the Agency for Workforce Innovation as lead agency for specified federal purposes; amending s. 411.01, F.S.; providing legislative intent with respect to the School Readiness Act; providing for the addition of members to the Florida Partnership for School Readiness; providing duties of the Florida Partnership for School Readiness; deleting obsolete language and conforming provisions; revising procedures for funding school readiness programs; requiring the implementation of a school readiness uniform screening; providing for the development of minimum child care licensing standards; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference to conform; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01 and 445.023, F.S.; conforming language and correcting cross

references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a) and 411.222, F.S., relating to Department of Health coordination with the Department of Education and specified councils and the State Coordinating Council for School Readiness Programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; amending s. 240.205, F.S.; deleting provisions relating to certain contractual obligations of the Board of Regents; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; amending s. 240.3836, F.S.; revising provisions relating to access to baccalaureate degree programs; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.2011, F.S.; adding New College of Florida in Sarasota County to the State University System; creating fiscally autonomous campuses of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing for accreditation; redesignating St. Petersburg Junior College as St. Petersburg College; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate degree level programs; authorizing certain baccalaureate degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost study; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; reenacting and amending s. 240.551, F.S.; revising provisions with respect to the Florida Prepaid College Program; revising provisions with respect to transfer and refund provisions; revising provisions relating to appointment of directors of the direct-support organization; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing effective dates.

WHEREAS, in response to Floridians' amendment of s. 2, Art. IX of the State Constitution requiring a seven-member state board of education appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, which "shall appoint the commissioner of education," the 2000 Legislature enacted the "Florida Education Governance Reorganization Act of 2000" (chapter 2000-321, Laws of Florida), and

WHEREAS, the Florida Education Governance Reorganization Act of 2000 provided legislative policy and guiding principles for a seamless kindergarten through postgraduate education system; provided for the future repeal of existing education entities and statutes; provided for boards of trustees for each university in the State University System; provided for the establishment and duties of the Florida Board of Education and specified education governance officers; and established the Education Governance Reorganization Transition Task Force charged with the duty to make recommendations to the Legislature, pursuant to a legislatively established timeline, to accomplish a smooth and orderly transition to the new education system, and

WHEREAS, the Education Governance Reorganization Transition Task Force was timely appointed and has been aggressively pursuing its statutory duties by holding meetings and public hearings throughout the state, consulting with education stakeholders and national experts, taking public testimony, and working to expedite its recommendations, NOW, THEREFORE,

Senators King, Pruitt and Dyer offered the following amendments to the amendment which were moved by Senator Sullivan and adopted:

Senate Amendment 1A (714304) to Senate Amendment 1 to House Amendment 1—On page 31, line 31 through page 32, line 5, delete those lines and insert: *Education.*

Senate Amendment 1B (792226) to Senate Amendment 1 to House Amendment 1—On page 33, lines 17 and 18, delete those lines and redesignate subsequent paragraph.

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Sullivan, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

SB 1162 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

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

Nays—10

Dyer	Klein	Miller	Smith
Geller	Lawson	Rossin	Wasserman Schultz
Jones	Meek		

Vote after roll call:

Yea to Nay—Mitchell

RECESS

On motion by Senator Lee, the Senate recessed at 8:01 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 8:07 p.m. A quorum present.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable John M. McKay May 4, 2001
President, The Florida Senate

Dear President McKay:

The following executive appointment was referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Florida Public Service Commission	
Appointee: Palecki, Michael A.	01/01/2003

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on Ethics and Elections respectfully advises and recommends that:

1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

2) Senate action on said appointment be taken prior to the adjournment of the 2001 Regular Session; and

3) there is no necessity known to the committee for the deliberations on said appointment to be held in executive session.

Respectfully submitted,
Bill Posey, Chairman

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

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

Nays—None

RECESS

The Senate recessed at 8:08 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 8:12 p.m. A quorum present.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Constantine, by two-thirds vote **CS for HB's 1617 and 1487** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

On motions by Senator Constantine, by unanimous consent—

CS for HB's 1617 and 1487—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's

facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; providing effective dates.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (812120)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. *Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, provided that nothing contained in this subsection shall prevent a local agency from granting voting status to the school board member.* The governing body may designate itself as the local planning agency pursuant to this subsection *with the addition of a nonvoting school board representative*. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Paragraph (a) of subsection (4), paragraphs (a), (c), and (h) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; *with the appropriate water management district's regional water supply plans adopted pursuant to s. 373.0361, or successor plans required by legislative directive;* with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; *the availability of ground water and surface water resources for present and future water supplies and the potential for development of alternative water supplies;* the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October

1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. *Amendments* ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school-siting maps pursuant to s. 163.31776(6) are* ~~is~~ exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria *that* ~~which~~ encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible *and to encourage the use of elementary schools as focal points for neighborhoods*.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *By October 1, 2002, the element shall also include data and analysis, including, but not limited to, the appropriate water management district's regional water supply plan adopted pursuant to s. 373.0361, which evaluates the availability of potable water compared to population growth projected by the local government comprehensive plan.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. Intergovernmental coordination between local governments and the district school board shall be governed by ss. 163.31776 and 163.31777 for those local governments adopting a public educational facilities element pursuant to s. 163.31776.

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 Public educational facilities element.—

(1) The intent of the Legislature is to establish a systematic process for school boards and local governments to:

(a) Share information concerning the growth and development trends in their communities in order to forecast future enrollment and school needs;

(b) Cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government; and

(c) Cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions that result in community growth trends.

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where:

1. The number of districtwide capital outlay full-time-equivalent students equals 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or

2. The projected 5-year student growth rate is 10 percent or greater.

(b)1. The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria in paragraph (a) on June 1 of each year. Local governments and school boards will have 18 months following notification within which to comply with the requirements of ss. 163.31776 and 163.31777.

2. By January 1, 2007, remaining local governments that have not been notified by June 1, 2005, that they have met the criteria in paragraph (a) shall adopt, in cooperation with the applicable school district,

a limited public educational facilities element. The state land planning agency shall by rule specify the contents of the limited public educational facilities element. The rule specifying the contents of the limited public facilities element must incorporate the future land use element requirements of s. 163.3177(6)(a), including school-siting requirements, requirements for intergovernmental coordination and interlocal agreements with school boards contained in s. 163.3177(6)(h)1.-2., and requirements for evaluation and appraisal reports contained in s. 163.3191(2)(k). The agency rule must ensure effective planning with school boards, but recognize that the needs for school planning differ for those local governments that have lower population and student-population growth rates. The sanctions of subsection (9) apply to local governments that fail to adopt a limited public educational facilities element. Any local government that, after complying with this rule, reaches the criteria in paragraph (a) shall have 18 months within which to comply with subsections (4) and (5). Nothing in this subsection shall supersede the other requirements of this chapter.

(c) Each municipality shall adopt its own element or accept by resolution or ordinance the public educational facilities element adopted by the county which includes the municipality's area of authority as defined in s. 163.3171. However, a municipality is exempt from this requirement if it meets all the following criteria:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the last 5 years or it has generated fewer than 25 additional public school students during the last 5 years;

2. The municipality has not annexed new land during the last 5 years in land use categories that permit residential uses that may affect school attendance rates;

3. The municipality has no public schools located within its boundaries;

4. At least 80 percent of the developable land within the boundaries of the municipality has been built upon; and

5. The municipality has not adopted a land use amendment that increases residential density for more than 50 residential units.

Any municipality that is exempt shall notify the county and the school board of any planned annexation into residential or proposed residential areas or other change in condition and must comply with this subsection within 1 year following a change in conditions that renders the municipality no longer eligible for exemption or following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the non-exempt municipalities, and the school board shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment;

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment;

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting and for early involvement by the local government as the school board identifies potential school sites;

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system;

(e) For school district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and criteria for determining whether school facility capacity will be readily available at the time of projected school impacts, and must specify uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement must ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement must also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777; and

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element must be based on data and analysis, including the interlocal agreement required by subsection (4), and on the educational facilities plan required by s. 235.185. Each local government public educational facilities element within a county must be consistent with the other elements and must address:

(a) The need for, strategies for, and commitments to addressing improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for providing adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(c) Colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools.

(d) Location of schools proximate to residential areas and to complement patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools to serve as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to increase residential development and that are reasonably expected to have an impact on the demand for public school facilities pursuant to s. 163.31777, with the review to be based on uniform, districtwide level-of-service standards for all public schools of the same type, availability standards for public schools, and the financially feasible 5-year district facilities work program adopted by the school board pursuant to s. 235.185.

(g) A uniform methodology for determining school capacity and proportionate-share mitigation consistent with the requirements of s. 163.31777(4) and the interlocal agreement.

(h) The response of the school board to the financial management and performance audit required by s. 235.185(2)(f).

(6) The future land-use map series must incorporate maps that are the result of a collaborative process for identifying school sites in the educational facilities plan adopted by the school board pursuant to s. 235.185 and must show the locations of existing public schools and the general locations of improvements to existing schools or new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land-use map series. Maps indicating general locations of future schools or school improvements should not prescribe a land use on a particular parcel of land.

(7) The process for adopting a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) In any proceeding to challenge the adoption of the public educational facilities element pursuant to s. 163.3184, the petitioner may also challenge the data and analysis used to support the processes set forth in the interlocal agreement executed pursuant to this section.

(9)(a) If the county, school board and nonexempt municipalities within the county cannot reach agreement regarding the interlocal agreement required by subsection (4), the parties shall seek mediation through the appropriate regional planning council or the state land planning agency. The bad-faith failure of any party to enter into an interlocal agreement within 60 days after referral to mediation shall result in the prohibition of that local government's ability to amend its comprehensive plan until the dispute is resolved.

(b) The failure by a local government to comply with the requirement to transmit and adopt a public educational facility element will result in the prohibition of the local government's ability to amend the local comprehensive plan until the public school facilities element is adopted.

(c) If a local government fails to comply with the requirements of this section to enter into the interlocal agreement or to transmit a public educational facilities element by the required date, or if the Administration Commission finds that the public educational facilities element is not in compliance, the local government shall be subject to sanctions imposed by the Administration Commission pursuant to s. 163.3184(11).

(d) The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this section shall subject the school board to sanctions pursuant to s. 235.193(3).

(e) A local government or school board's bad-faith failure to enter into the interlocal agreement does not subject another local government or school board to sanctions.

(10) Any local government that has executed an interlocal agreement for the purpose of adopting public school concurrency before the effective date of this act is not required to amend the public school element or any interlocal agreement to conform with the provisions of this section or s. 163.31777 if such amendment is ultimately determined to be in compliance.

Section 4. Section 163.31777, Florida Statutes, is created to read:

163.31777 Public school capacity for plan amendments and rezonings.—

(1) Local governments shall consider public school facilities when reviewing proposed comprehensive plan amendments and rezonings that increase residential densities and that are reasonably expected to have an impact on the demand for public school facilities.

(2) For each proposed comprehensive plan amendment or rezoning that increases residential densities and is reasonably expected to have an impact on the demand for public school facilities, the school board shall provide the local government with a school-capacity report based on the district educational facilities plan adopted by the school board pursuant to s. 235.185, which must provide data and analysis on the capacity and enrollment of affected schools based on standards established by state or federal law or judicial orders, projected additional enrollment attributable to the density increase resulting from the amendment or rezoning, programmed and financially feasible new public school facilities or improvements for affected schools identified in the educational facilities plan of the school board and the expected date of availability of such facilities or improvements, and available reasonable options for providing public school facilities to students if the rezoning or comprehensive plan amendment is approved. The options must include, but need not be limited to, the school board's evaluation of school schedule modification, school attendance zones modification, school facility modification, and the creation of charter schools. The report must be consistent with this section, any adopted interlocal agreement and public educational facilities element, and must be submitted no later than 3 working days before the first public hearing by the local government to consider the comprehensive plan amendment or rezoning.

(3) The local government shall deny a request for a comprehensive plan amendment or rezoning which would increase the density of residential development allowed on the property subject to the amendment or rezoning and is reasonably expected to have an increased impact on the demand for public school facilities, if the school facility capacity will not be reasonably available at the time of projected school impacts as determined by the methodology established in the public educational facilities element. However, the application for a comprehensive plan amendment or a rezoning may be approved if the applicant executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subsection (4).

(4)(a) Options for proportionate-share mitigation of public school facility impacts from actual development of property subject to a plan amendment or rezoning that increases residential density shall be established in the educational facilities plan and the public educational facilities element. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement pursuant to ss. 163.3220-163.3243 which constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment or rezoning that increased overall residential density. The district school board may be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

(b) If the educational facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

(c) Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a binding developers agreement.

(5) Subsections (3) and (4) shall not take effect within a jurisdiction until:

(a) The local governments and the school board have entered into an interlocal agreement pursuant to ss. 163.31776 and 235.193;

(b) The local government has adopted a public education facilities element required under s. 163.31776 and the element has been found in compliance;

(c) The school board has revised its district education facilities plan to comply with s. 235.185; and

(d) One of the following revenue sources is levied or committed for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:

1. The half-cent school capital outlay surtax authorized by s. 212.055(6); or

2. An amount of broad-based revenue from state or local sources is committed to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.

(6) Under limited circumstances dealing with educational facilities, countervailing planning and public policy goals may come into conflict with the requirements of subsections (3) and (4). Often the unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, a local government may grant an exception from the requirements of subsections (3) and (4) if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project located within an area designated in the comprehensive plan for:

(a) Urban infill development;

(b) Urban redevelopment;

(c) Downtown revitalization; or

(d) Urban infill and redevelopment under s. 163.2517.

(7) This section does not prohibit a local government from using its home-rule powers to deny a comprehensive plan amendment or from rezoning.

Section 5. Subsection (4) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms "terminals" and "transit facilities" do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement as implemented in local government comprehensive plans may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan.

Section 6. Subsections (1), (3), (4), and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

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

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; *owners of real property abutting real property that is the subject of a proposed change to a future land use map;* and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, *163.31776,* 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation*, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation*, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—*The* ~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These~~ governmental agencies *specified in paragraph (3)(a)* shall provide comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment. *If the plan or plan amendment includes or relates to the public school facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.* The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment*. The request from the regional planning council or affected person must be* ~~if the request is~~ received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). ~~The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.~~ A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made,

if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within *35* ~~30~~ days *after receipt* ~~of transmittal~~ of the *complete* proposed plan amendment ~~pursuant to subsection (3)~~.

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency.* ~~The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.~~ When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

Section 7. Effective October 1, 2001, subsections (7), (8), and (15) and paragraph (d) of subsection (16) of section 163.3184, Florida Statutes, as amended by this act, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the *complete* adopted comprehensive plan or ~~adopted~~ plan amendment*, including the names and addresses of persons compiled pursuant to paragraph (15)(c),* to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's *complete* adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government ~~and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point~~. The advertisement shall not be placed in that portion of the newspaper where legal notices and ~~classified advertisements~~ appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph *(15)(e)* ~~(15)(e)~~ and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement must identify the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, and the ordinance number of the plan or plan amendment and must advise that the informational statement is provided as a courtesy to the person and that affected persons have 21 days from the actual date of publication of the notice to file a petition. The informational statement must be sent by regular mail and does not affect the timeframes specified in subsections (9) and (10).

(d) A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on that site within 5 days after receipt of the mailed copy of the agency's notice of intent.

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written commends to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.

(d) The agency shall provide a model sign-in format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.

(e)~~(c)~~ If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph *(15)(e)* ~~(15)(c)~~. Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 8. Paragraph (k) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(k) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

Section 9. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended, and paragraph (l) is added to that subsection, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational* ~~5-year school district~~ facilities *plan* ~~work program~~ adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

(l) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

Section 10. *The sum of $500,000 is appropriated to the Department of Community Affairs from the General Revenue Fund to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development.*

Section 11. Section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party may maintain an action for *declaratory and* injunctive or other relief against any local government to *challenge any decision of local government granting or denying an application for, or to* prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property t hat is not consistent with the comprehensive plan adopted under this part. *Such action shall be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever is later.*

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. *The term shall include the owner, developer or applicant for a development order.*

(3)~~(a) No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to October 1, 1985, or applied for prior to July 1, 1985.~~

~~(b)~~ Suit under *subsections (1) or (4)* ~~this section~~ shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part. *The local government that issues that development order shall be named as the respondent.*

(4) *If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, then the sole action for an aggrieved and adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever is later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel shall apply to these proceedings. Minimum components of the local process shall be as follows:* ~~As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.~~

(a) Notice by publication and by mailed notice to all abutting property owners within 10 days of the filing of an application for development review, provided that notice under this subsection shall not be required for an application for a building permit. The notice must delineate that aggrieved or adversely affected persons have the right to request a quasi-judicial hearing, that the request need not be a formal petition or complaint, how to initiate the quasi-judicial process and the time-frames for initiating the process. The local government shall include an opportunity for an alternative dispute resolution process and may include a stay of the formal quasi-judicial hearing for this purpose.

(b) A point of entry into the process consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the written preliminary decision; provided that the local government is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case for a quasi-judicial hearing.

(d) An opportunity for reasonable discovery prior to a quasi-judicial hearing.

(e) A quasi-judicial hearing before an independent special master who shall be an attorney with at least five years experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law.

(f) At the quasi-judicial hearing all parties shall have the opportunity to respond, present evidence and argument on all issues involved that are related to the development order and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(g) The standard of review applied by the special master shall be strict scrutiny in accordance with Florida law.

(h) A duly noticed public hearing before the local government at which public testimony shall be allowed. At the hearing the local government shall be bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and shall not be considered rendered or final until officially date stamped by the city or county clerk.

(i) No ex parte communication relating to the merits of the matter under review shall be made to the special master. No ex parte communication relating to the merits of the matter under review shall be made to the governing body after a time to be established by the local ordinance, but no later than receipt of the recommended order by the governing body.

(j) At the option of the local government this ordinance may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

(k) Authority by the special master to issue and enforce subpoenas and compel entry upon land.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(7) In any *suit* ~~action~~ under *subsections (1) or (4)* ~~this section~~, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

(9) Nothing in this section shall be construed to relieve the local government of its obligations to hold public hearings as required by law.

Section 12. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section *is* ~~shall stand~~ repealed ~~on~~ June 30, *2002* ~~2001, and shall be reviewed by the Legislature prior to that date~~.

Section 13. Subsections (2) and (3) of section 186.504, Florida Statutes, are amended to read:

186.504 Regional planning councils; creation; membership.—

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council*, including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association*.

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, *to include one elected school board member,* subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

Section 14. Subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a supermajority of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent where the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted the interlocal agreement and public educational facilities element required by s. 163.31776;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district school board has been recognized by the State Board of Education as having a Florida Frugal School Program pursuant to s. 235.2197 and complies with s. 235.2197(2)(b) and (c).

For purposes of this paragraph, the term "supermajority vote" means an affirmative vote of a majority of the membership of the school board plus one.

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 15. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—

(1) The intent of the Legislature is *to*:

~~(a) To provide each student in the public education system the availability of an educational environment appropriate to his or her educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.~~

(a)~~(b) To~~ Encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the *purposes* ~~purpose~~ of reducing costs *to the taxpayer*, creating a more satisfactory educational environment, ~~and~~ reducing the amount of time necessary for design and construction to fill unmet needs*, and permitting the on-site and off-site improvements required by law*.

(b)~~(c) To~~ Provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(c)~~(d) To~~ Provide ~~proper legislative support~~ for ~~as wide a range of~~ fiscally sound financing methodologies ~~as possible for the delivery~~ of educational facilities ~~and, where appropriate, for their construction, operation, and maintenance~~.

(d) Establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(e) Establish a systematic process by which school boards and local governments can cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system, including the needs placed on the public education system as a result of growth and development decisions by local governments.

(f) Establish a systematic process by which local governments and school boards can cooperatively identify and meet the infrastructure needs of public schools.

(2) The Legislature finds and declares that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions that result in community growth trends.

(b)~~(a)~~ Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c)~~(b)~~ The effective and efficient provision of public educational facilities and services *enhances* ~~is essential to preserving and enhancing~~ the quality of life of the people of this state.

(d)~~(c)~~ The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

Section 16. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the *Office of Educational Facilities of the* Commissioner *of Education*. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants*, including safe access facilities*; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan *and safe access facilities*; campus master plan update and detail for community

colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—~~Each~~ Educational plant *surveys* ~~survey completed after December 31, 1997,~~ must use uniform data sources and criteria specified in this paragraph. ~~Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph.~~ Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. *The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 235.185.* ~~Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The *district educational facilities plan* ~~educational plant survey~~ of a school district *and the educational plant survey of a*~~,~~ community college~~,~~ or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The *Office of Educational Facilities of the Commissioner of Education* ~~department~~ shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and~~, when required by the State Constitution,~~ shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need *for* and location of the facility are in compliance with the board-approved survey recommendations*,* ~~and that~~ the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding*, and the plan is consistent with the local government comprehensive plan*.

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 17. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAMS~~.—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt *an educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the* ~~a district facilities~~ 5-year work program. The purpose of the *educational facilities plan* ~~district facilities work program~~ is to keep the school board*, local governments,* and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational facilities plan* ~~district facilities work program~~ will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 18. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative district *education facilities plan* ~~facilities work program~~ as required by s. 235.185 before adopting the capital outlay budget.

Section 19. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational* facilities *plan* ~~work program~~; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(a) "Adopted educational facilities plan" means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

~~(a) "Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).~~

(b) "~~Tentative~~ District facilities work program" means the 5-year listing of capital outlay projects*, adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is* required *in order to*:

1. ~~To~~ Properly maintain the educational plant and ancillary facilities of the district.

2. ~~To~~ Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general-purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district *educational* facilities *plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include* ~~work program that includes~~:

1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

a. Acceptable capacity;

b. Redistricting;

c. Busing;

d. Year-round schools; and

e. Charter schools.

7. The criteria and method, jointly determined by the local government and the school board, for determining the impact to public school capacity in response to a local government request for a report pursuant to s. 235.193(4).

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational *facilities* ~~plant~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. *The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department including all enrollment used in the calculation of the distribution formula in s. 235.435(3).*

b. The proposed locations of planned facilities*, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(6), (7), and (8) must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.*

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for *additional* permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district *which* ~~that~~ will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. *For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.*

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the ~~tentative~~ district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the ~~tentative~~ district facilities work program.

5. A schedule indicating which projects included in the ~~tentative~~ district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the ~~tentative~~ district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(c)~~(b)~~ To the extent available, the *tentative* district *educational* facilities *plan* ~~work program~~ shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(d)~~(c)~~ Provision shall be made for public comment concerning the tentative district *educational* facilities *plan* ~~work program~~.

(e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.

(f) Commencing on October 1, 2001, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Auditor General satisfies this requirement.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2).

(4)~~(3)~~ ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—Annually, the district school board shall consider and adopt the tentative district *educational* facilities *plan* ~~work program~~ completed pursuant to subsection (2). Upon giving proper ~~public~~ notice *to the public and local governments* and opportunity for public comment, the district school board may amend the *plan* ~~program~~ to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district *educational* facilities *plan* ~~work program~~ shall:

(a) Be a complete, balanced*, and financially feasible* capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities*, including safe access ways from neighborhoods to schools*.

(5)~~(4)~~ EXECUTION OF ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—The first year of the adopted district *educational* facilities *plan* ~~work program~~ shall constitute the capital outlay budget required in s. 235.18. The adopted district *educational* facilities *plan* ~~work program~~ shall include the information required in subparagraphs *(2)(b)1., 2., and 3.* ~~(2)(a)1., 2., and 3.~~, based upon projects actually funded in the program.

~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.—In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.~~

Section 20. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district *educational* facilities *plan* ~~work program~~ that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 21. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approved activities relating to school planning and site selection, the provisions of this section do not apply to such school board and local government.

(2)~~(1)~~ Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the *consistency* ~~compatibility~~ of such plans ~~with site planning~~. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible *and to encourage using elementary schools as focal points for neighborhoods*.

(3)~~(2)~~ Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less-than-recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

(4)~~(3)~~ Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the *school board* ~~commissioner~~ prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program *or colocated with facilities to serve this purpose*. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through

highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. *To the extent practicable, sites must be chosen that will provide safe access from neighborhoods to schools.*

(5)~~(4)~~ It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)~~(5)~~ Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 22. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational *facilities plan* ~~plant survey~~ and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local *governments* ~~governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. *In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.*

(2) No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the nonexempt municipalities shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure that school-siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to ensure early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform, countywide school facility planning system.

(e) For school-district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and the criteria for determining whether school facility capacity will be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement shall ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777.

(f) For the resolution of disputes between the school district and local governments.

Any school board entering into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to the provisions of this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) Failure to enter into an interlocal agreement as required by s. 235.193(2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 and a prohibition from siting schools. Before the Office of Educational Facilities of the Commissioner of Education may withhold any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may appeal under chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement that meets the requirements of this section.

(4) The school board shall report to the local government on school capacity when the local government notifies the school board that it is reviewing an application for a comprehensive plan amendment or a rezoning that seeks to increase residential density. The report must provide data and analysis as required by s. 163.31777(2) for the local government's review of the proposed plan amendment or rezoning.

(5)~~(2)~~ A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use *information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136* ~~Department of Education enrollment projections~~ when preparing the ~~5-year~~ district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185, *as modified and agreed to by the local governments and the Office of Educational Facilities of the Commissioner of Education, in* ~~and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections, to ensure that the *district educational facilities plan* ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county

growth and development projections. *The projections shall be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities *plan* ~~report~~ for the prior year required pursuant to *s. 235.185* ~~s. 235.194~~ unless the failure is corrected.

(6)~~(3)~~ The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and *consistent with* the plan's implementing land development regulations~~, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board~~.

(7)~~(4)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least *120* ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(8)* ~~(5)~~.

(8)~~(5)~~ As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and *consistent with* local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(9)~~(6)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's ~~future~~ land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(10)~~(7)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts *pursuant to an interlocal agreement adopted in accordance with this section*.

(11)~~(8)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 23. *Section 235.194, Florida Statutes, is repealed.*

Section 24. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational* facilities *plan* ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational* facilities *plans* ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

(a) Frugal production of high-quality projects.

(b) Efficient finance and administration.

(c) Optimal school and classroom size and utilization rate.

(d) Safety.

(e) Core facility space needs and cost-effective capacity improvements that consider demographic projections.

(f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 25. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185.

Section 26. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational* facilities *plan* ~~work program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the *acquisition,* construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the

district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

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

Section 27. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

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

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

Section 28. Section 236.32, Florida Statutes, is amended to read:

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

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

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

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

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

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

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

Section 29. Paragraph (e) of subsection (2), subsection (12), paragraph (c) of subsection (15), and subsections (18) and (19) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effective period of the designation.* ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

(12) REGIONAL REPORTS.—

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) Where the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the *biennial* ~~annual~~ report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(18) *BIENNIAL* ~~ANNUAL~~ REPORTS.—The developer shall submit *a biennial* ~~an annual~~ report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies *in alternate years* on the date specified in the development order*, unless the development order by its terms requires more frequent monitoring*. If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the *biennial* ~~annual~~ report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. *If no additional development pursuant to the development order has occurred since the submission of the previous report, a letter from the developer stating that no development has occurred satisfies the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.*

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent ~~or 6 acres, whichever is greater,~~ or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by ~~6 acres of land area or by~~ 50,000 square feet of gross floor area~~,~~ or of parking spaces provided for customers for 300 cars or a 5-percent increase of *either* ~~any~~ of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or

archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e)~~1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.~~

1.~~2.~~ Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than ~~40 percent of~~ any numerical criterion contained in subparagraphs (b)1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years *is not a substantial deviation,* is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider

the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (c)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and *subparagraph (e)3.* ~~subparagraphs (e)1. and 3.~~ shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change, as it relates to the entire development, should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 30. Paragraphs (d) and (f) of subsection (3) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

~~2. Has a total site size of 30 or more acres; or~~

2.~~3.~~ Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; *or*

~~2. Occupies more than 40 acres of land; or~~

2.~~3.~~ Provides parking spaces for more than 2,500 cars.

Section 31. *Requirement of interlocal service provision agreements.—*

(1) By January 1, 2005, counties having a population over 100,000 shall negotiate and adopt a service-delivery interlocal agreement with all of the municipalities within the county, with those special districts providing a service listed in paragraph (a), and with the school district which:

(a) Identifies the current providers of the following services; education, sanitary sewer, public safety, solid waste, drainage, potable water, parks and recreation, and transportation facilities.

(b) Describes the existing organization of such services and the means of financing such services and designates the entities that will provide the services over the next 20 years, including any anticipated changes caused by annexation.

(c) Identifies any deficits in the provision of services and prescribes a 5-year capital outlay plan for the provision of deficit infrastructure.

(d) Identifies opportunities for the joint financing of capital outlay projects.

(e) Identifies any areas that the municipalities plan to annex within the next 5 years and establishes a plan for service delivery within the areas to be annexed or a process for resolving service-delivery issues associated with annexation.

(f) Provides specific procedures for amending the interlocal agreement.

(2) Each county and municipality shall submit a copy of its interlocal agreement to the Department of Community Affairs by February 15, 2005.

(3) The regional planning councils may provide technical assistance and dispute-resolution services to assist local governments in complying with this section.

Section 32. *The sum of $500,000 is appropriated from the General Revenue Fund to the Department of Community Affairs for the purpose of funding the Urban Infill and Redevelopment Assistance Grant Program established under section 163.2523, Florida Statutes, during the 2001-2002 fiscal year.*

Section 33. *The Legislature finds that the integration of the growth-management system and the planning of public educational facilities is a matter of great public importance.*

Section 34. *(1) The Legislative Committee on Intergovernmental Relations is directed to conduct a study of the existing bonding capacity of counties, municipalities, and school boards. The study shall include, but is not limited to: possible methods of strengthening their credit ratings and interest rates; feasibility of increasing their borrowing capacity to the extent of their authorized millage or revenue; and more flexible use of bond proceeds, especially for small municipalities and counties.*

(2) The Legislative Committee on Intergovernmental Relations is required to report its findings and recommendations to the Governor and Legislature by January 1, 2002. The recommendations must specifically include proposed legislation, if applicable, for additional county, municipality, and school board bonding capacity.

Section 35. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of $7.5 million, which shall be increased by another $2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.*

Section 36. Subsection (1) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." *A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency.* Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The~~ Community redevelopment *agencies* ~~agency~~ of a county *have* ~~has~~ the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing effective dates.

On motion by Senator Constantine, by two-thirds vote **CS for HB's 1617 and 1487** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1872, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

House Amendment 1 (255065)—On page 2, line 3 after the period, insert:

If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

On motion by Senator Carlton, the Senate concurred in the House amendment.

CS for SB 1872 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1180, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

House Amendment 1 (965965)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 229.05371, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 229.05371, F.S., for present text.)

229.05371 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the Commissioner of Education or the State Board of Education. Students with disabilities include K-12 students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.

(2) SCHOLARSHIP ELIGIBILITY.—The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a Florida public school. Prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12; and

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified, in writing, the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment.

This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) A school district shall timely notify the parent of the student of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school within the district. The parent is not required to accept this offer in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent

chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school. If the parent chooses a public school consistent with the school board's choice plan under s. 228.057, the school district will provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the school board's choice plan under s. 228.057.

(b) For a student with disabilities who does not have a matrix of services under s. 236.025, the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the Department of Education of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the scholarship program. The Department of Education shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

(c) If the parent chooses the private school option and the student is accepted by the private school pending the availability of a space for the student, the parent of the student must notify the school district 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(d) The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(e) For a student in the district who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the statewide assessments under s. 229.57, the district shall provide locations and times to take all statewide assessments.

(f) A school district must notify the Department of Education within 10 days after it receives notification of a parent's intent to apply for a scholarship for a student with a disability.

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Be academically accountable to the parent for meeting the educational needs of the student.

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of private schools.

(h) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

(5) OBLIGATION OF PROGRAM PARTICIPANTS.—

(a) A parent who applies for a John M. McKay Scholarship is exercising his or her parental option to place his or her child in a private school. The parent must select the private school and apply for the admission of his or her child.

(b) The parent must have requested the scholarship at least 60 days prior to the date of the first scholarship payment.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(d) The parent of each student participating in the scholarship program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(e) If the parent requests that the student participating in the scholarship program take all statewide assessments required pursuant to s. 229.57, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) A participant who fails to comply with this subsection forfeits the scholarship.

(6) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. The calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. Also, the calculated amount shall include the per-student share of Supplemental Academic Instruction funds, instructional materials funds, technology funds, and other categorical funds as provided for such purposes in the General Appropriations Act.

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c) If the participating private school requires partial payment of tuition prior to the start of the academic year to reserve space for students admitted to the school, that partial payment may be paid by the Department of Education prior to the first quarterly payment of the year in which the John M. McKay Scholarship is awarded, up to a maximum of $1,000, and deducted from subsequent scholarship payments. If a student decides not to attend the participating private school, the partial reservation payment must be returned to the Department of Education by the participating private school. There is a limit of one reservation payment per student per year.

(d) The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported

separately from other students reported for purposes of the Florida Education Finance Program.

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the Department of Education shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. When a student enters the scholarship program, the Department of Education must receive all documentation required for the student's participation, including the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The Department of Education may not make any retroactive payments.

(f) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 15 of each academic year in which the scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(7) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a John M. McKay Scholarship.

(8) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, remove the title of the bill: and insert in lieu thereof: A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the John M. McKay Scholarships for Students with Disabilities Program; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; limiting liability of the state; authorizing the State Board of Education to adopt rules; providing an effective date.

On motion by Senator Pruitt, the Senate concurred in the House amendment.

CS for CS for SB 1180 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Klein	Miller	Mitchell	Rossin

RECESS

The Senate recessed at 8:16 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the Senator Silver at 8:20 p.m. A quorum present.

BILLS ON THIRD READING, continued

HB 21—A bill to be entitled An act relating to taxation; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; abrogating the expiration of s. 215.20(3), F.S.; relating to service charges against certain trust funds; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for payment; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for duties of the Department of Revenue and the Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; providing effective dates.

—as amended May 3 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Carlton, the Senate reconsidered the vote by which substitute **Amendment 2 (112476)** by Senator Carlton was adopted May 3. **Amendment 2** was withdrawn.

The question recurred on **Amendment 1 (161740)** by Committee on Finance and Taxation which failed to receive the required two-thirds vote.

Senators Pruitt and Carlton offered the following amendment which was moved by Senator Carlton:

Amendment 3 (042216)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in

s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

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

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

Section 3. Section 236.32, Florida Statutes, is amended to read:

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

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

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

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

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

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

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

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

Section 4. Effective January 1, 2002, subsection (2) of section 199.185, Florida Statutes, is amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(2) Every natural person is entitled each year to an exemption of the first *$250,000* ~~$20,000~~ of the value of property otherwise subject to the annual tax. A husband and wife filing jointly shall have an exemption of *$500,000* ~~$40,000~~. *Every taxpayer that is not a natural person is entitled each year to an exemption of the first $250,000 of the value of property otherwise subject to the tax.* Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under this subsection. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

Section 5. *Subsection (9) of section 213.27, Florida Statutes, is repealed.*

Section 6. *Section 213.256, Florida Statutes, is created to read:*

213.256 Simplified Sales and Use Tax Administration Act.—

(1) As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Agreement" means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) "Certified automated system" means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) "Certified service provider" means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions.

(e) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) "Sales tax" means the tax levied under chapter 212.

(g) "Seller" means any person making sales, leases, or rentals of personal property or services.

(h) "State" means any state of the United States and the District of Columbia.

(i) "Use tax" means the tax levied under chapter 212.

(2)(a) The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

(b) The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.

(c) The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.

(3) The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:

(a) The agreement must set restrictions to limit, over time, the number of state tax rates.

(b) The agreement must establish uniform standards for:

1. The sourcing of transactions to taxing jurisdictions.

2. The administration of exempt sales.

3. Sales and use tax returns and remittances.

(c) The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.

(d) The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.

(e) The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:

1. Restricting variances between the state and local tax bases.

2. Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.

3. Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.

4. Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.

(f) The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of nonmember state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.

(c) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the state for reporting and remitting tax.

(d) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.

(9) Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.

Section 7. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 8. Effective January 1, 2002, and applying to tax years beginning on or after that date, section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) PURPOSE.—The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

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

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than $5 million to any single eligible nonprofit scholarship-funding organization.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Qualified student" means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding; or

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is $50 million.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. $3,500 for a scholarship awarded to a student enrolled in an eligible nonpublic school.

2. $500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible nonpublic schools have been identified.

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(f) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(g) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section.

The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 9. Effective January 1, 2002, and applying to tax years beginning on or after that date, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, ~~and~~ those enumerated in s. 220.185*, and those enumerated in s. 220.187*.

Section 10. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

Section 11. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) Information relative to s. 220.187 to the Department of Education in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 12. *(1) The first two payments of estimated tax pursuant to section 200.33, Florida Statutes, shall not be affected by any contribution made pursuant to this act.*

(2) This section shall take effect January 1, 2002, and apply to tax years beginning on or after that date.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; abrogating the expiration of s. 215.20(3), F.S.; relating

to service charges against certain trust funds; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for payment; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for duties of the Department of Revenue and the Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing effective dates.

Senator Horne moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3A (233226)(with title amendment)—On page 20, between lines 8 and 9, insert:

Section 13. Effective July 1, 2001, paragraph (a) of subsection (4) of section 212.08, Florida Statutes, is amended to read:

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

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection *or the Department of Health*, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation~~, minerals,~~ or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 22, line 18, after the semicolon (;) insert: amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers;

Amendment 3 as amended was adopted by two-thirds vote.

RECONSIDERATION OF AMENDMENT

On motion by Senator Carlton, the Senate reconsidered the vote by which **Amendment 3** as amended was adopted.

Senator Carlton moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3B (451340)(with title amendment)—On page 1, line 17 through page 4, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 20, lines 19-27, delete those lines and insert: An act relating to taxation; amending s.

Amendment 3 as amended was adopted by two-thirds vote.

The vote was:

Yeas—26

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

Nays—12

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

On motion by Senator Carlton, **HB 21** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

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

Nays—14

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

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 84, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the

Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

House Amendment 1 (632353)(with title amendment)—remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.

Section 2. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Section 3. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

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

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to law enforcement; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; providing an effective date.

On motion by Senator Meek, the Senate concurred in the House amendment.

CS for SB 84 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 330, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1 (302835)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *There is hereby appropriated $2,500,000 from nonrecurring General Revenue for Fiscal Year 2001-2002 to the Board of Directors of the H. Lee Moffit Cancer Center and Research Institute to be used for the purpose of construction, repairs, furnishing, and equipment at the H. Lee Moffit Cancer Center and Research Institute.*

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the H. Lee Moffit Cancer Center and Research Institute; providing an appropriation; providing an effective date.

On motion by Senator Sullivan, the Senate concurred in the House amendment.

SB 330 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 304, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term "employee," for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

House Amendment 1 (311735)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(1) This section shall be known and may be cited as the "Government Employees' Deferred Compensation Plan Act."

(2) For the purposes of this section, the term "employee" means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; ~~or~~ any municipality*; or any constitutional county officer under s. 1(d), Article VIII of the State Constitution* for which compensation or statutory fees are paid.

(3) In accordance with a plan of deferred compensation which has been approved as herein provided, the state or any state agency, county, municipality, ~~or~~ other political subdivision*, or constitutional county officer* may, by contract or a collective bargaining agreement, agree with any employee to defer all or any portion of that employee's otherwise payable compensation and, pursuant to the terms of such approved plan and in such proportions as may be designated or directed under that plan, place such deferred compensation in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or such other investment products as may have been approved for the purposes of carrying out the objectives of such plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws and regulations by persons who are duly authorized by applicable state and federal authorities.

(4)(a) The Treasurer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation for state employees, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of the state and its agencies and employees.

(b) If the Treasurer deems it advisable, he or she shall have the power, with the approval of the State Board of Administration, to create a trust or other special funds for the segregation of funds or assets resulting from compensation deferred at the request of employees of the state or its agencies and for the administration of such program.

(c) The Treasurer, with the approval of the State Board of Administration, may delegate responsibility for administration of the plan to a person the Treasurer determines to be qualified, compensate such person, and, directly or through such person or pursuant to a collective bargaining agreement, contract with a private corporation or institution to provide such services as may be part of any such plan or as may be deemed necessary or proper by the Treasurer or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, asset purchase, control, and safekeeping, and direct disbursement of funds to employees or other beneficiaries. The Treasurer may authorize a person, private corporation, or institution to make direct disbursement of funds under the plan to an employee or other beneficiary only upon the order of the Comptroller to the Treasurer.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers of the state, with such funds being thereafter held and administered in accordance with the plan.

(5) Any county, municipality, or other political subdivision of the state may by ordinance*, and any constitutional county officer under s. 1(d), Article VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval,* adopt and establish for itself and its employees a deferred compensation program. The ordinance shall designate an appropriate official of the county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). *If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b).*

(6)(a) No deferred compensation plan of the state shall become effective until approved by the State Board of Administration and the Treasurer is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the state retirement system, and for any other retirement, pension, or benefit program established by law.

(b) No deferred compensation plan of a county, municipality, ~~or~~ other political subdivision*, or constitutional county officer* shall become effective until the appropriate official or body designated *under subsection (5)* ~~by ordinance~~ is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the appropriate county, municipality, ~~or~~ political subdivision, *or constitutional county officer,* and for any other retirement, pension, or benefit program established by law.

(7) The deferred compensation programs authorized by this section, and any plan approved and adopted as herein provided, shall exist and serve in addition to any other retirement, pension, or benefit systems established by the state or its agencies, counties, municipalities, ~~or~~ other political subdivisions*, or constitutional county officers* and shall not supersede, make inoperative, or reduce any benefits provided by the Florida Retirement System or by another retirement, pension, or benefit program established by law. All records identifying individual participants in any plan under this section and their personal account activities shall be confidential and are exempt from the provisions of s. 119.07(1).

(8)(a) There is hereby created a Deferred Compensation Advisory Council composed of seven members.

1. One member shall be appointed by the Speaker of the House of Representatives and the President of the Senate jointly and shall be an employee of the legislative branch.

2. One member shall be appointed by the Chief Justice of the Supreme Court and shall be an employee of the judicial branch.

3. One member shall be appointed by the chair of the Public Employees Relations Commission and shall be a nonexempt public employee.

4. The remaining four members shall be employed by the executive branch and shall be appointed as follows:

a. One member shall be appointed by the Chancellor of the State University System and shall be an employee of the university system.

b. One member shall be appointed by the Treasurer and shall be an employee of the Treasurer.

c. One member shall be appointed by the Governor and shall be an employee of the executive branch.

d. One member shall be appointed by the Comptroller and shall be an employee of the Comptroller.

(b) Each member shall serve for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term.

(c) Members shall elect a chair annually.

(d) The council shall meet at the call of its chair, at the request of a majority of its membership, or at the request of the Treasurer, but not less than twice a year. The business of the council shall be presented to the council in the form of an agenda. The agenda shall be set by the Treasurer and shall include items of business requested by the council members.

(e) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(f) The council shall make a report of each meeting to the Treasurer, which shall show the names of the members present and shall include a record of its discussions, recommendations, and actions taken. The Treasurer shall keep the records of the proceedings of each meeting on file and shall make the records available to any interested person or group.

(g) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(h) The advisory council shall provide assistance and recommendations to the Treasurer relating to the provisions of the plan, the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary by the council and the Treasurer to carry out the provisions of this act. The Treasurer shall inform the council of the manner in which each council recommendation is being addressed. The Treasurer shall provide the council, at least annually, a report on the status of the deferred compensation program, including, but not limited to, information on participant enrollment, amount of compensation deferred, total plan assets, product provider performance, and participant satisfaction with the program.

(9) The purchase of any insurance contract or annuity or the investment in another investment option under any plan of deferred compensation provided for in the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the state, county, municipality, ~~or~~ other political subdivision, *or constitutional county officer,* except to show that the payments have been remitted for the purposes for which the compensation has been deferred.

(10)(a) The moneys, pensions, annuities, or other benefits accrued or accruing to any person under the provisions of any plan providing for the deferral of compensation and the accumulated contributions and the cash and securities in the funds created thereunder are hereby exempt from any state, county, or municipal tax. They shall not be subject to execution or attachment or to any legal process whatsoever by a creditor of the employee and shall be unassignable by the employee.

(b)1. There is created in the State Treasury the Deferred Compensation Trust Fund, through which the Treasurer as trustee shall hold moneys, pensions, annuities, or other benefits accrued or accruing under and pursuant to 26 U.S.C. s. 457 and the deferred compensation plan provided for therein and adopted by this state; and

a. All amounts of compensation deferred thereunder;

b. All property and rights purchased with such amounts; and

c. All income attributable to such amounts, property, or rights.

2. Notwithstanding the mandates of 26 U.S.C. s. 457(b)(6), all of the assets specified in subparagraph 1. shall be held in trust for the exclusive benefit of participants and their beneficiaries as mandated by 26 U.S.C. s. 457(g)(1).

(11) With respect to any funds held pursuant to a deferred compensation plan, any plan provider which is a bank or savings association and which provides time deposit accounts and certificates of deposit as an investment product to the plan participants may, with the approval of the State Board of Administration for providers in the state plan, or with the approval of the appropriate official or body designated *under subsection (5)* ~~by ordinance~~ for a *plan of a* county, *municipality* ~~municipal~~, ~~or~~ other political subdivision*, or constitutional county officer* ~~plan~~, be exempt from the provisions of chapter 280 requiring it to be a qualified public depository, provided:

(a) The bank or savings association shall, to the extent that the time deposit accounts or certificates of deposit are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, pledge collateral with the Treasurer for all state funds held by it under a deferred compensation plan, or with such other appropriate official for all public funds held by it under a deferred compensation plan of a county, municipality, ~~or~~ other political subdivision, *or constitutional county officer,* in an amount which equals at least 150 percent of all uninsured deferred compensation funds then held.

(b) Said collateral shall be of the kind permitted by s. 280.13 and shall be pledged in the manner provided for by the applicable provisions of chapter 280.

The Treasurer shall have all the applicable powers provided in ss. 280.04, 280.05, and 280.08 relating to the sale or other disposition of the pledged collateral.

(12) The Treasurer may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans for state employees.

(13) This subsection may not impair an existing contract. In each county that has one or more constitutional county officers, the board of county commissioners and the constitutional county officers shall negotiate a joint deferred compensation program for all their respective employees under s. 163.01. If all parties to the negotiation cannot agree upon a joint deferred compensation program, the provisions of subsection (5) apply.

Section 2. This act shall take effect October 1, 2001.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term "employee," for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

House Amendment 2 (883957)(with title amendment)—On page 1, line 18, insert:

Section 1. Section 24 of chapter 2000-237, Laws of Florida, is amended to read:

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, *2003* ~~2001~~.

And the title is amended as follows:

On page 1, line 3, after "employees" insert: and to the judiciary; amending s. 24 of ch. 2000-237, Laws of Florida, to revise the effective date thereof

On motion by Senator Pruitt, the Senate concurred in the House amendments.

SB 304 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

CONFERENCE COMMITTEE REPORT ON SB 2000

The Honorable John M. McKay May 2, 2001
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2000, same being:

An act relating to appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Jim Horne
Chairman
s/Charlie Clary
s/M. Mandy Dawson
s/Rudy Garcia
s/Daryl L. Jones
s/Jack Latvala
s/Alfred "Al" Lawson, Jr.
s/Lesley "Les" Miller, Jr.
s/Durell Peaden, Jr.
s/Debby P. Sanderson
s/Ronald A. Silver
s/J. Alex Villalobos
s/Locke Burt
s/Anna P. Cowin
s/Buddy Dyer
s/Betty S. Holzendorf
s/James E. "Jim" King, Jr.
s/John F. Laurent
s/Kendrick B. Meek
s/Richard Mitchell
s/Tom Rossin
s/Burt L. Saunders
s/Donald C. Sullivan
s/Daniel Webster

Managers on the part of the of the Senate

s/Carlos Lacasa
Vice Chairman
s/Randy J. Ball
s/Allan Bense
s/Frederick C. "Fred" Brummer
s/Frank Farkas
s/Mark Flanagan
s/Ron Greenstein
s/Wilbert T. "Tee" Holloway
s/Randy Johnson
s/Bev Kilmer
s/Mark Mahon
s/Matthew Meadows
s/Jefferson "Jeff" Miller
s/Nan Rich
s/Marco Rubio
s/Gary Siplin
s/Joseph R. Spratt
s/Rob Wallace
s/JD Alexander
s/Gustavo Barreiro
s/Gus Bilirakis
s/Paula Dockery
s/Mike Fasano
s/Carole Green
s/Chris Hart
s/Ed Jennings, Jr.
s/Charlie Justice
s/Evelyn Lynn
s/Jerry Maygarden
s/Jerry Melvin
s/Sandra L. Murman
s/Stacy Ritter
s/John P. "Jack" Seiler
s/Irving Slosberg
s/Dwight Stansel
s/Frederica "Freddi" Wilson

Managers on the part of the of the House of Representatives

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

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for the 2001-2002 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL OUTLAY BOND PROGRAMS - OPERATING FUNDS AND DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . 180,000,000

The funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond Programs established in Chapter 97-384, Laws of Florida.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

2 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . 202,000,000

2A SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . 19,415,980

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 221,415,980

TOTAL ALL FUNDS 221,415,980

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

4A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . 283,750,000

Funds appropriated in Specific Appropriation 4A are provided as enhancement funds for school districts and shall be allocated as follows:

a) Sixty percent of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1,

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2001, at least $10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) Forty percent of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of $100 per student in each qualifying school.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall withhold the distribution of discretionary lottery funds from any school district which fails to comply with the provisions of s.106.15,F.S.

5 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 28,075,000

Funds appropriated in Specific Appropriation 5 for public school technology shall be allocated by prorating the total based on each district's share of the state total K-12 FTE.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM TRUST FUNDS 311,825,000

TOTAL ALL FUNDS 311,825,000

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

7A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,731,428

Funds appropriated in Specific Appropriation 7A are provided for Direct Instruction.

7B SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,000,000

From the funds appropriated in Specific Appropriation 7B, $4,720,000 is provided to support school-wide change designed to improve student performance in "D" and "F" elementary schools. Schools that apply for funds shall provide a description of the school-wide program approved by the school board that is designed to dramatically improve student learning. The school must demonstrate tangible changes in factors supporting an improved instructional program such as leadership, curriculum realignment, technology, teaching approaches, student expectations, parent and community involvement, professional development and teacher quality, and attendance. Eligible schools shall implement research-based, structured mentoring programs which have a record of proven success. To be eligible, schools must demonstrate that the district and school budget priorities have been changed to support the redesigned program and that the school board has shifted funds to the low performing schools to address identified needs. Approved proposals will make funding available to the schools to support only items that cannot be provided through the redesigned budget. Funds shall be used for nonrecurring activities and shall be matched by the district through general operating or Supplemental Academic Instruction funding. Grants shall be awarded by the Department of Education no later than October 1, 2001.

From the funds appropriated in Specific Appropriation 7B, $3,000,000 shall be used by the Department of Education to fund learning development demonstration and evaluation grants to elementary and middle schools. These grants shall be employed solely to fund in designated schools a fully integrated system of assessment, remediation and development in which the student is provided a specific program of learning ability enhancement based on the individual's detailed assessment of cognitive abilities and screening of perceptual and sensory motor systems.

From the funds appropriated in Specific Appropriation 7B, $280,000 is provided to establish a pilot program in Mathematics (Algebra I, Algebra II, and Geometry), including professional development for teaching staff. The pilot shall operate in a low performing high school in the Gadsden County school district.

The program shall include a complete curriculum consisting of print material and computer software and shall incorporate a collaborative learning-based approach and teach problem solving skills in a real world contextual framework. It shall also have a firm foundation in research demonstrating proven results.

The Department of Education shall evaluate the program after one complete year of operation to determine if students in the pilot program outperform students who participate in regular Algebra I, Algebra II, and Geometry programs measured by the FCAT.

7C SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 14,525,000

From the funds appropriated in Specific Appropriation 7C, $1,250,000 is provided for the Governor's Mentoring Initiative, $1,000,000 is provided for the PASS Project - Best Practices, $4,300,000 is provided for Take Stock in Children, $2,000,000 is provided for Big Brothers - Big Sisters, $1,500,000 is provided for Learning for Life, Inc., $2,000,000 is provided for Boys and Girls Clubs, $1,000,000 is provided for College Fast Start, $150,000 is provided for Amer-I-Can, $150,000 is provided for an After School Tutorial Program in Broward County, and $125,000 is provided for an After School Enrichment Program in Dade County.

From the funds in Specific Appropriation 7C, $1,050,000 is provided for implementation grants of $150,000 each for the Florida Mentor Teacher Program pilot projects approved by the Department of Education during 2000-2001.

7D SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITIES IN SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000

7E SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,250,000

Funds appropriated in Specific Appropriation 7E are provided for the Schultz Center for Teaching and Leadership.

7F SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,793,572

From the funds appropriated in Specific Appropriation 7F, $1,000,000 is provided for a statewide vision screening service for pre-school children using a system based on color photorefraction. The selection of the service provider shall be in accordance with Chapter 287, F.S., and the service provider must have completed a vision screening program in a public school setting using the screening method provided in this paragraph.

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From the funds appropriated in Specific Appropriation 7F, $600,000 is provided for language immersion pilot programs of which $250,000 is provided for a total immersion pilot program in Volusia County which shall follow the California model; and $350,000 is provided for a full language-immersion demonstration project in three public elementary schools in Hillsborough County. Because of the unique demographic profile, the target population is students in the East part of Hillsborough County. A kindergarten and fourth grade language-immersion program will be placed in each of the schools, and parents in adjacent schools in East Hillsborough County may apply for special assignment in these programs on a space available basis. The purpose is to provide functional proficiency in the second language and mastery of the Sunshine State Standards. This program shall be utilized as a bilingual teacher recruitment and retention tool of the district.

From the funds in Specific Appropriation 7F, $200,000 is provided for Arts for a Complete Education, $100,000 is provided for Jason Project/Manatee, $250,000 is provided for the Florida Holocaust Museum, $250,000 is provided for Youth Crime Watch of Florida, $150,000 is provided for the Early High Technology Education Intervention Initiative, $300,000 is provided for the Bay High School Regional Academies, $1,400,000 is provided for the Center for Creative K-12 Outreach Program, $200,000 is provided for Hands in Action - Family, Schools and Friends, $350,000 is provided for Truancy Intervention Program - Hillsborough, $80,000 is provided for the Brooksville Elementary School Safe and Secure Schools Program, $510,000 is provided for Dreams are Free, $900,000 is provided for Sea Trek, $100,000 is provided for a Middle School Summit, and $355,368 is provided for the Florida Youth Challenge - Education Lab.

From the funds appropriated in Specific Appropriation 7F, $1,048,204 is provided to the Miami-Dade County Public Schools Instructional Technology Department to purchase necessary hardware and instructional software to implement a pilot project to improve student performance in reading and math for middle and high schools rated "D" or "F" according to the State's A+ Plan.

7G SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 600,000

Funds appropriated in Specific Appropriation 7G are provided for the Therapeutic Early Childhood and Elementary Severely Emotionally Disturbed Center.

8 SPECIAL CATEGORIES
TRANSFER LOTTERY TO THE EXECUTIVE OFFICE OF THE GOVERNOR TEACHER RECRUITMENT CAMPAIGN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds appropriated in Specific Appropriation 8 shall be transferred to the Executive Office of the Governor to provide a state level web-site for teacher recruitment and referral.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM TRUST FUNDS 35,400,000

TOTAL ALL FUNDS 35,400,000

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

9 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 94,687,500

Funds provided in Specific Appropriation 9 shall be allocated as follows:

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BREVARD	3,745,013
BROWARD	6,112,635
CENTRAL FLA	1,867,360
CHIPOLA	644,050
DAYTONA BEACH	5,517,878
EDISON	2,295,295
FLORIDA CC @ JAX	9,032,022
FLORIDA KEYS	411,702
GULF COAST	1,606,113
HILLSBOROUGH	4,846,700
INDIAN RIVER	4,019,886
LAKE CITY	972,617
LAKE SUMTER	588,874
MANATEE	1,942,118
MIAMI-DADE	15,358,298
NORTH FLORIDA	435,658
OKALOOSA-WALTON	1,756,799
PALM BEACH	4,231,980
PASCO-HERNANDO	1,400,853
PENSACOLA	3,479,754
POLK	1,464,337
ST. JOHNS RIVER	1,023,084
ST. PETERSBURG	4,969,921
SANTA FE	3,784,410
SEMINOLE	3,195,676
SOUTH FLORIDA	1,213,983
TALLAHASSEE	2,593,001
VALENCIA	6,177,483

9A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INFORMATION TECHNOLOGY ENHANCEMENT GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,992,010

Funds in Specific Appropriation 9A shall be allocated to the individual community colleges as follows:

Brevard	118,737
Broward	65,318
Central Florida	41,338
Chipola	18,722
Daytona Beach	113,662
Edison	18,222
Fla. JC @ Jax	196,703
Florida Keys	7,239
Gulf Coast	11,982
Hillsborough	151,028
Indian River	73,972
Lake City	8,986
Lake-Sumter	12,148
Manatee	14,431
Miami-Dade	338,705
North Florida	2,413
Okaloosa-Walton	43,767
Palm Beach	64,982
Pasco-Hernando	19,720
Pensacola	41,063
Polk	24,629
St. Johns River	49,509
St. Petersburg	196,287
Santa Fe	50,590
Seminole	43,850
South Florida	27,295
Tallahassee	71,961
Valencia	164,751

9B SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

Specific appropriation 9A provides $2,000,000 in non-recurring funds for the Community College System's portion of the development and operation of a unified library automation system. Release of these funds is contingent upon the State Technology Office approving a plan for the use

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of these funds that has been approved by the Community College System and State University System and that meets the goal of a unified library automation system. By February 1, 2002, the Community College and State University System library automation offices shall provide a progress report to the State Technology Office and the Legislature.

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM TRUST FUNDS 98,679,510

TOTAL ALL FUNDS 98,679,510

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 10 through 13A shall be used for university enhancements. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure.

10 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 81,849,166

11 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,445,038

12 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,822,040

13 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,571,256

13A SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,992,010

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 98,679,510

TOTAL ALL FUNDS 98,679,510

TOTAL OF SECTION 1

FROM TRUST FUNDS 946,000,000

TOTAL ALL FUNDS 946,000,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

The Commissioner of Education is authorized to establish and implement accountability measures of student achievement for grants approved by the Commissioner from the funds provided in Specific Appropriations 1 through 161.

Funds in Specific Appropriations 2 through 210 as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the Fiscal Year based on projects, grants, contracts and allocation conference documents.

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When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15 through 24 shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under s. 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as the result of fund transfers pursuant to s. 216.292(5)(b), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2001-2002 appropriation, and shall also apply to funds appropriated in Specific Appropriations 14 through 24B.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within the SUS Construction Trust Fund to enable expenditure of funds appropriated for the State University System.

14 FIXED CAPITAL OUTLAY
INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,000

15 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 219,600,000

Funds provided in Specific Appropriation 15 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....145,878,270
Community Colleges..... 17,509,646
State University System..... 28,512,084
Charter Schools..... 27,700,000

Funds in Specific Appropriation 15 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

$27,700,000 in Specific Appropriation 15 shall be for grants and aids to charter schools for facilities and equipment and shall be allocated pursuant to s. 228.0561, Florida Statutes.

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16 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 203,501,382

Funds in Specific Appropriation 16 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

From the funds provided in Specific Appropriation 16, $1,737,782 shall be distributed to developmental research schools and allocated in accordance with s. 228.053(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and developmental research schools in accordance with s. 235.435(3), Florida Statutes.

17 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM GENERAL REVENUE FUND 16,572,994
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 210,449,032

The following community college projects are included in the funds provided in Specific Appropriation 17.

BREVARD
Gen ren/rem, Fac's 1 OCC. & Fac 4 Gym & site improvements... 3,188,579
Rem/ren Bldgs 5,6,&7-Sci,Tech & Elec Eng Labs-Melb partial.. 110,000
BROWARD
Gen ren/rem, HVAC,comm sys,ADA,roofs,utilities,site imprv... 3,254,091
Rem/ren Bldg 48 Student Svcs - North..... 1,179,312
Rem/ren Bldg 7 Stu Svcs to Tech Ctr - Central partial..... 698,479
Building 22, Criminal Justice Institute, Central partial (spc)..... 2,089,160
CENTRAL FLORIDA
Gen ren/rem, HVAC,mech/elec,ADA,roofing, site improvements.. 1,037,903
Rem/ren Bldg 5 & 9 - Main partial..... 1,667,224
Workforce Instructional Bldg 40 - Main partial (p)..... 992,033
Workforce/Tech w/rem/ren - Hampton SP Ctr complete (pce).... 1,942,000
CHIPOLA
Gen ren/rem, utilities,roofs,signage,site imprv,LRC,Aud,S... 763,001
Major Ren/Rem Bldg 20 - complete..... 1,813,328
DAYTONA BEACH
Stu Svcs/Admin Bldg 7-W;Clsrms/Lab Bldgs Deltona partial (ce)..... 1,500,000
Gen ren/rem, undergrd utilities,chiller,Bldgs 12,28, LRC,site imprv..... 2,534,373
Rem/ren Allied Health/Science Bldg 27 - Main..... 4,565,210
Adjacent land acquisition - Main partial (spc)..... 640,000
JT Use/Volusia/Flagler/Advanced Technology Center partial... 4,200,000
EDISON
Clsrms/Distance Lng/Stu Svcs/w Fac Plant Bldg-Main partial (pce)..... 8,600,000
Gen ren/rem, energy proj 13 Bldgs,fire safety,HVAC,site imprv..... 1,187,365
Rem/ren Bldgs 1-7,9,10,12,20-26,28 - Main partial..... 1,140,150
Adj land acq, emergency road access-Collier partial (spc)... 600,000
FLORIDA COMMUNITY COLLEGE @ JACKSONVILLE
Gen ren/rem, ADA,HVAC,lights,utilities,roofs,floors, site imprv..... 3,760,636
Rem/ren Workforce Labs Bldgs B & C - Downtown partial..... 3,568,690
Rem/ren Bldgs C,G,N&T Clsrms/Labs for IT/WF-South partial... 310,000
Adv Tech Ctr.Phase II & III - Downtown partial (pc)..... 9,866,421
FCCJ/UNF Joint Use Facility..... 2,000,000

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FLORIDA KEYS
Gen ren/rem, roofs,telecomm,elec/mech/HVAC,ADA,site imprv... 370,148
GULF COAST
Health/Wellness/Voc Ed Facility - Main partial (ce)..... 6,751,166
Gen ren/rem, HVAC,Nat Sci Labs,parking,security sys, site site imp..... 847,980
Rem/ren Social Science Bldg - Main..... 1,285,400
Adjacent land acquisition - Main,Gulf/Franklin,CJ Ctr. partial (spc)..... 500,000
Broadcasting/Audio Visual Laboratory-Main complete (pce).... 2,339,879
HILLSBOROUGH
Gen ren/rem, HVAC,ADA,utilities,comm&security sys,site imprv 1,782,447
Rem/ren Library floors 2 & 3 - Dale Mabry 3,171,412
Rem/ren Business Labs Bldg 206 Off Occ/WP Labs - Ybor City.. 351,689
Land & facilities acquisition - Collegewide partial (spc)... 1,800,000
INDIAN RIVER
Technology Bldg complete (ce)..... 1,700,000
Gen ren/rem, roofs,elev,ADA,HVAC,utilities,alarms,site imprv 1,275,969
Rem/ren Bldgs 5, 6 & parts of 3,12,18,20 & 22 - Main partial 3,222,669
Adj land acq - Main,Chastain,Mueller,St. Lucie W partial (spc)..... 1,900,000
Center for Teaching and Learning..... 1,000,000
LAKE CITY
Gen ren/rem, HVAC,roofs,telecomm,fire&sec sys,road,site imprv..... 779,756
Major Ren/Rem Bldg 22, Granger Hall - complete..... 965,750
Rem/ren Trades & Tech Facility 19 partial..... 1,274,697
LAKE-SUMTER
Gen ren/rem, HVAC,roofs,telecomm,alarm sys,site imp,ADA,.... 558,131
Rem/ren Sci Lab-Sumter Ctr;Rm 116-SL Ctr;MP Bldg-Main partial..... 626,568
Adjacent land acquisition - South Lake (spc)..... 600,000
MANATEE
WF Dev/IT/Gen Clsrms Bldgs-Lakewood Ranch complete(ce)..... 4,360,751
Gen ren/rem, utilities,water sys,HVAC,paving,roofs, soffits,ADA..... 1,266,172
Rem/ren Bldgs 100,200,& 300 - Main..... 1,532,899
Rem/ren Clsrms/Labs Bldgs 5001-2 - Bradenton partial..... 143,588
MIAMI-DADE
Bldg 7000(Parking Facility for Phase III) - Wolfson complete(ce)..... 2,500,000
Gen ren/rem - collegewide..... 7,361,938
Rem/ren clsrms,labs,sup fac - Wolfson..... 3,818,753
Rem/ren clsrms/labs/sup fac - InterAmerican..... 2,981,522
Rem/ren Labs/clsrms,sup fac,bldg sys Fac 5 & 15 - North..... 500,000 partial
Rem/ren Computer Courtyard Bldg 2000 - Kendall partial..... 278,330
Land & facilities acquisition - Wolfson (spc)..... 1,100,000
Rem/ren Emerging Technologies Ctr. - Wolfson partial..... 5,259,869
NORTH FLORIDA
Gen ren/rem, site imp,roofing,handicap access,ADA..... 431,302
Rem/ren Tech Ctr/Nursingw/Health Ed addition partial..... 1,177,189
Computer Labs & Instr Clerical Suites complete (pce)..... 1,219,342
OKALOOSA-WALTON
Library Bldg - Main complete (ce)..... 3,164,105
Gen ren/rem, utilities,energy mgt,parking,site imps,safety, elec..... 1,004,125
Rem/ren Bldg 50 LRC to Health Tech WF Labs-Niceville partial..... 1,124,345
PALM BEACH
Workforce Training Ctr Ph 1/w local match-Cent comp (ce).... 4,688,012
Gen ren/rem,safety,comm sys, EMS,roofs,parkg,utilities lights,rds..... 3,161,236
Rem/ren Bldgs 104 - Central; 104 - South..... 4,245,080
Rem/ren Humanities Bldg 120 - Central partial..... 170,855
Rem/ren Tech Bldg 230 Electronic Labs - Central..... 482,643
Rem/ren Allied Health Bldg 208 Nursing Labs-Central..... 835,512
PASCO-HERNANDO
Gen ren/rem, roofs,HVAC,elec sys in demountables,ADA..... 1,212,727
Rem/ren Bldgs 1 Clsrms/Labs/Admin - East partial..... 1,725,687
Adj land acq, ingress/egress CJ Ctr.-East partial (spc)..... 300,000
PENSACOLA
Gen ren/rem, indoor airq,HVAC, Tech Bldg, roofs,site imp, lights..... 2,610,218

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Rem/ren Health Education Bldg - Warrington..... 1,557,709
Adjacent land acquisition - Main partial (spc)..... 500,000
POLK
Gen ren/rem, Lakeland roofs,comm sys,ADA,HVAC,road,..... 1,500,864
JT-Use /USF Technology Center Lakeland partial (spc)..... 2,270,149
SANTA FE
Library Addition complete (ce)..... 1,456,745
Gen ren/rem, drainage,panels,HVAC,utilities sys,roofs, site imp..... 1,437,710
Rem/ren old Library Bldg P to Clsrms partial..... 2,223,191
Rem/ren Bldgs H Drafting,W Chem Tech & N Bus DP..... 1,186,766
Adjacent land acquisition partial (spc)..... 800,000
SEMINOLE
Clsrms,Sci Labs,Office Bldgs-East Ctr. Ph IC complete(e).... 1,800,000
Gen ren/rem,e-mgt sys,road,utilities,comm sys,parking,site dev..... 1,291,090
Rem/ren Comp and Teaching Labs Bldg V(401) partial..... 2,756,000
WF/Clsrms,tech Labs Bldg w/land - 1-4 SP Ctr partial (spc).. 3,100,000
SOUTH FLORIDA
Gen ren/rem, roofing,lights,drainage,ADA,site improvement... 496,459
Rem/ren Lecture Ctr 400 & Cafeteria 700..... 731,118
Dental Hygiene/Dental Assisting - complete (pce)..... 2,487,463
Ed/Workforce/Tech -Hardee SP Cntr. Partial (spc)..... 773,698
Ed/Workforce/Tech -DeSoto SP Cntr. Partial (spc)..... 784,943
ST. PETERSBURG
Clsrms,Labs,Offices Ph II - TS complete (ce)..... 4,163,979
Tech & Bus Dev Ctr Phase I - EpiCenter complete (ce)..... 4,500,000
Gen ren/rem, roofs,HVAC,ADA,site improvements..... 4,092,167
Major Ren/Rem Soc Arts/Tech Bldgs-SP/G partial..... 5,399,711
Rem/ren Crossroads Bldg - CL partial..... 2,816,445
Rem/ren Voc & Fire Sci Labs w/site dev - Allstate..... 548,515
Rem/ren Fla Internat'l Museum - Downtown SP Ctr..... 2,604,688
ST. JOHNS RIVER
Gen ren/rem, HVAC,roofs,ADC,fire&sec sys,utilities, site imprv..... 866,508
Rem/ren 1st fl LRC,Bus Adm&Bus Ed w/addition-Palatka partial..... 210,000
Criminal Justice Institute - St. Augustine partial (p)..... 216,729
TALLAHASSEE
Gen ren/rem, roofs,infrastructure,utilities,comm sys, HVAC,ADA..... 827,736
Ren/rem, life/safety,HVAC,water sys,road,site imprv-PTLEA... 2,098,489
Adjacent land acquisition partial (spc)..... 500,000
Library Building's Second Half/Phase II partial (pce)..... 3,965,000
VALENCIA
Gen ren/rem, HVAC,roofs,utilities,site improvements-collegewide..... 1,968,388
Major Ren/Rem Sci Bldg 1A - East complete..... 4,200,000
Rem/ren Humanities & Soc Sci Bldgs - West partial..... 778,557
Workforce Dev Bldg 9 - East partial (p)..... 936,843
Clsrms,Voc & Tech Labs Bldg 8 E/w local match complete (pce)..... 2,956,550
Technical Science Bldg 3 IT/WF - Osceola partial (pc)..... 1,250,000

18 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND 16,572,994
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 211,669,618

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 18.

SUS
Critical Deferred Maintenance..... 20,801,986
FAMU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 1,549,381
Journalism Building (C,E)..... 1,100,000
Coleman Library Expansion (C,E)..... 2,035,500
Campus Electrical Upgrades (P,C)..... 2,545,500
Land Acquisition (s)..... 1,500,000
Law School Building (P)..... 4,331,551
Pharmaceutical Research Facilities..... 1,500,000
Carnegie Library Remodeling/Expansion..... 2,000,000

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FAU
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 1,500,000
Life Behavioral Science Complex Renov/Expansion (E)..... 2,500,000
Student Support Service Building (C)..... 13,200,000
North Palm Beach Jupiter Library Expansion (P)..... 500,000
College of Business Expansion/Remodeling (P)..... 800,000
FAU/HBOI Marine Science Partnership (P)..... 997,860
FGCU
Multi-Purpose Building (E)..... 700,000
Teaching Gymnasium (C,E)..... 4,695,188
Classroom/Offices/Labs, Academic 5 (C)..... 5,800,000
Library Expansion (C,E)..... 7,500,000
FIU
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 2,750,000
Health & Life Sciences Expansion/Rem/Renov (C,E)..... 6,484,330
Law School Building (P)..... 4,331,551
Office/Classroom Building (P)..... 800,000
North Campus Science/Classroom Building (P)..... 750,000
FSU
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 3,250,000
Montgomery Gym Remodeling (C,E)..... 3,000,000
Basic Sciences Building (P,C,E)..... 15,000,000
Building Envelope Improvements (P)..... 250,000
Education & Study Center - Sarasota..... 1,000,000
North Addition to the Museum - Sarasota..... 6,000,000
Campuswide Projects - Sarasota..... 1,900,000
Circus Museum - Sarasota..... 200,000
Art Museum - Sarasota..... 3,895,100
Asolo Theatre - Sarasota..... 1,993,200
Support Building - Sarasota..... 225,200
Psychology Center (P,C),..... 7,500,000
UCF
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 1,500,000
Biological Sciences Annex & Remodeling (E)..... 1,125,000
Teaching Center (C)..... 5,700,000
Business Building (C)..... 8,500,000
Education Building Remodeling (P)..... 500,000
UF
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 3,250,000
Health Professions/Nursing/Pharmacy Complex (E)..... 1,170,000
Constans Theatre Addition (C)..... 6,606,000
Library West Addition & Renovation (P)..... 2,236,000
UF - Whitney Lab..... 3,492,500
UF Genetics Institute..... 5,000,000
IFAS Aquaculture Research and Demonstration Facility..... 4,600,000
UNF
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 1,500,000
Science/Engineering Lab/Office Building (E)..... 3,000,000
Library Addition (C)..... 8,200,000
UNF Teacher In-service Center-Clay County..... 2,500,000
UNF/Edward Waters Joint-use Facility..... 2,000,000
USF
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 2,500,000
Kopp Engineering Bldg. Remodeling (E)..... 400,000
Natural & Environmental Sciences Bldg. (C)..... 13,200,000
Chemistry Building Remodeling (P)..... 900,000
Marine Science Aquatic Lab (P)..... 1,000,000
Medical School Outpatient Facility..... 1,000,000
Nursing/Health Care and Education Center, Phase II (p).... 3,400,000
JT-Use/Polk CC Technology Center Lakeland partial (S,P,C). 2,270,149
UWF
Utilities/Infrastructure/Capital Renewal/Roofs (P,C)..... 3,000,000
Fieldhouse Renovation & Expansion..... 4,500,000
Center for Fine Arts Dance Studio Addition (P,C,E)..... 306,616

19 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 57,036,968

Funds provided in Specific Appropriation 19 shall be allocated pursuant to s. 235.435(2), Florida Statutes for the following projects:

Baker County - New Elementary School "B" (s,p,c,e)..... 10,629,238
Gadsden County - New High School (s,p,c,e)..... 14,869,394

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Jackson County - New Marianna High School (s,p,c,e)..... 9,949,139
Taylor County - New Elementary School "A" (s,p,c,e)..... 10,255,690
Wakulla County - New Elementary School (s,p,c,e)..... 11,333,507

Funds provided in Specific Appropriation 19 for the Jackson County New Marianna High School are contingent upon Senate Bill 462 or similar legislation becoming law.

20 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 614,510,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 92,000,000

20A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 13,400,000

21 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 10,310,000

Funds provided in Specific Appropriation 21 are for the following projects:

Vocational Building..... 5,000,000
Campus Safety Related Projects..... 480,000
Renovations..... 4,825,000
Master Plan Update..... 5,000

21A FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 300,000

Funds in Specific Appropriation 21A are for equipment for the Division of Blind Services library in Daytona Beach.

23 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 7,683,000

Funds provided in Specific Appropriation 23 shall be used for the following projects:

WUFT-TV/FM - Gainesville - (e)..... 975,000
WEDU-TV - Tampa - (e)..... 950,000
WLRN-TV/FM - Miami - (e)..... 250,000
WBCC-TV - Cocoa - (e)..... 1,400,000
WSRE-TV - Pensacola - (p)..... 300,000
WMFE-TV - Orlando - (p)..... 228,000
WPBT-TV - Miami - (e)..... 3,400,000
WFSU-TV - Tallahassee - (c)..... 180,000

23A FIXED CAPITAL OUTLAY
PUBLIC SCHOOL FACILITIES
FROM GENERAL REVENUE FUND 6,600,000

Funds provided in Specific Appropriation 23A are for the following projects:

Heartland Educational Consortium 500,000
Leon Cty Reimbursement for TCC/LAW Enf (PTLEF Transfer)..... 1,000,000
Manatee County Emerson Point Environmental Center..... 600,000

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Manatee County Community High School planning..... 1,500,000
Okaloosa County Ft. Walton Beach HS Addition & Renovation... 3,000,000

24 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,850,000

From funds in Specific Appropriation 24, the sum of $2,850,000 is provided to Manatee County for a satellite campus of Manatee Technical Institute pursuant to s. 235.199, Florida Statutes.

24A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY TRUST FUND 10,550,000

From the funds in Specific Appropriation 24A, up to $3,000,000 shall be available to FSU to correct drainage problems in the Howser Stadium area.

24B FIXED CAPITAL OUTLAY
IFAS REC CONSOLIDATION
FROM UF IFAS RELOCATION AND CONSTRUCTION TRUST FUND 450,000

From funds in Specific Appropriation 24B, pursuant to Chapter 90-148, Laws of Florida, IFAS is authorized to expend funds for general site improvements, new construction, renovation, repairs, and/or remodeling for animal science facilities statewide.

From funds appropriated within item 24B up to $151,000 may be expended to purchase equipment at the North Florida Beef Facility.

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,745,988
FROM TRUST FUNDS 1654,710,000

TOTAL ALL FUNDS 1694,455,988

VOCATIONAL REHABILITATION

25 SALARIES AND BENEFITS POSITIONS 928
FROM GENERAL REVENUE FUND 7,700,404
FROM FEDERAL REHABILITATION TRUST FUND . . 28,136,010

From the funds in Specific Appropriations 25 through 33A, the Vocational Rehabilitation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Rate and number of customers gainfully employed (rehabilitated) at least 90 days	65%/11,500
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

From Funds in Specific Appropriations 25 through 33A for the Vocational Rehabilitation program, the Department of Education is the designated state agency and the Division of Occupational Access and Opportunity is the designated state unit for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended. The Occupational Access and Opportunity Commission is the designated state agency for

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purposes of compliance with the Rehabilitation Act of 1973, as amended. The Occupational and Access Opportunity Commission is authorized to submit a plan detailing the resources necessary to implement the approved State Plan for Vocational Rehabilitation. The plan shall be approved pursuant to the notice and review requirements of s. 216.177, Florida Statutes.

26 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 819,103

27 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND . . 11,851,736

28 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND . . 480,986

28A SPECIAL CATEGORIES
VOCATIONAL REHABILITATIVE SERVICES
FROM GENERAL REVENUE FUND 400,000

From the funds in Specific Appropriation 28A, $400,000 from the General Revenue Fund is provided for the Centers for Independent Living.

29 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM GENERAL REVENUE FUND 400,000

29A SPECIAL CATEGORIES
GRANTS AND AIDS - MODEL DISABILITIES
TRAINING PROGRAM
FROM GENERAL REVENUE FUND 200,000

30 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 2,950,983

31 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 3,374,083

From Specific Appropriation 31, for the Centers for Independent Living, each center will receive an initial allocation of $50,000. The balance of the appropriation will be allocated among the centers by a formula based on population, district cost differential, and sparsity. These funds shall be used by the Centers for Independent Living to provide the four core services and other independent living services as defined in the State Plan for Independent Living and section 7 of the Rehabilitation Act of 1973, as Amended, for persons with any eligible disability.

32 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 16,185,502
FROM FEDERAL REHABILITATION TRUST FUND . . 56,828,291

From the funds in Specific Appropriation 32, $300,000 in General Revenue from the base allocation for the Centers for Independent Living shall be used as match for the Basic Support Program. Funding from Social Security Reimbursements (program income) in an amount of up to $1,408,450 shall be allocated to the Centers for Independent Living.

Funds in Specific Appropriation 32 allocated to client services categories shall be released quarterly. Any alternative release schedule shall be subject to the notice, review and approval procedures provided in s. 216.177, F.S.

33 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST FUND . . 481,796

33A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY

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FROM GENERAL REVENUE FUND 216,845
FROM FEDERAL REHABILITATION TRUST FUND . . 765,876

TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 25,102,751
FROM TRUST FUNDS 105,688,864

TOTAL POSITIONS 928
TOTAL ALL FUNDS 130,791,615

BLIND SERVICES, DIVISION OF

From the funds in Specific Appropriations 35 through 48, the Blind Services Program, the purpose of which is to obtain employment outcomes and maximize independence and integration into the community for Floridians who are blind or visually impaired shall meet the following performance standards.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Rate/number of rehabilitation customers gainfully employed at least 90 days	68.3%/847
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

35 SALARIES AND BENEFITS POSITIONS 306
FROM GENERAL REVENUE FUND 3,366,666
FROM FEDERAL REHABILITATION TRUST FUND . . 7,379,410

36 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,591
FROM FEDERAL REHABILITATION TRUST FUND . . 95,354
FROM GRANTS AND DONATIONS TRUST FUND . . . 95,047

37 EXPENSES
FROM GENERAL REVENUE FUND 412,945
FROM FEDERAL REHABILITATION TRUST FUND . . 2,321,014
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,000

38 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION
FACILITIES
FROM FEDERAL REHABILITATION TRUST FUND . . 4,281,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,459,121

39 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,590
FROM FEDERAL REHABILITATION TRUST FUND . . 7,698

40 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST FUND . . 79,920

41 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 2,750,671
FROM FEDERAL REHABILITATION TRUST FUND . . 94,440
FROM GRANTS AND DONATIONS TRUST FUND . . . 563,277

Specific Appropriation 41 includes $1 million from the General Revenue Fund for the Blind Babies Program.

42 SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL
REHABILITATION
FROM GENERAL REVENUE FUND 3,451,911
FROM FEDERAL REHABILITATION TRUST FUND . . 4,356,954

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42A SPECIAL CATEGORIES
GRANTS AND AIDS - LEARNING THROUGH LISTENING
FROM GENERAL REVENUE FUND 750,000

43 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 169,891
FROM FEDERAL REHABILITATION TRUST FUND . . 439,611

44 SPECIAL CATEGORIES
LIBRARY SERVICES
FROM GENERAL REVENUE FUND 50,000

45 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES
FROM FEDERAL REHABILITATION TRUST FUND . . 1,002,707
FROM GRANTS AND DONATIONS TRUST FUND . . . 895,000

46 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 19,216
FROM FEDERAL REHABILITATION TRUST FUND . . 410,576

47 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 123,280

48 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 4,162
FROM FEDERAL REHABILITATION TRUST FUND . . 115,838

TOTAL: BLIND SERVICES, DIVISION OF
FROM GENERAL REVENUE FUND 11,046,643
FROM TRUST FUNDS 23,749,831

TOTAL POSITIONS 306
TOTAL ALL FUNDS 34,796,474

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

51 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 51 may be advance funded on a quarterly basis.

51A SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 7,974,038

Funds in Specific Appropriation 51A, shall be allocated as follows:

Bethune Cookman College..... 2,851,999
Edward Waters College..... 2,601,999
Florida Memorial College..... 2,351,999
Library Resources..... 168,041

Funds in Specific Appropriation 51A for Bethune-Cookman College, Edward Waters College and Florida Memorial College are for increasing access, retention and graduation at each institution. Florida Memorial may also allocate some of its funding for the Distance Learning Center and the Minority Teacher Education Institute. Each college president shall submit a proposed expenditure plan to the Department of Education prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data to support the Legislature's performance-based budgeting initiatives. The Department of Education may serve as a resource for the colleges in developing this information.

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Funds in Specific Appropriation 51A for Library Resources shall be used for the purchase of books and other related library materials, such as audio and media resources, pursuant to section 240.518, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, and Edward Waters College. Funds shall not be expended on promotional materials or on staff development. Each college shall provide an exact accounting of expenditures to the Department of Education.

57 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 18,145,202

Funds provided in Specific Appropriation 57 provide $32,290.40 each for 500 Florida residents attending the University of Miami Medical School and $2,000,000 for cancer research.

59A SPECIAL CATEGORIES
ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND 2,327,177

Funds in Specific Appropriation 59A shall be released by the Department of Education to the following private colleges and universities:

University of Miami	$ 1,800,616
Florida Institute of Technology	223,728
Barry University	175,873
Nova/Southeastern University	98,670
Limited Access Grants	$ 28,290

These funds may be allocated at the discretion of the individual university presidents for the following programs:

University of Miami: BS Industrial Engineering, BS Music Engineering, BS Architectural Engineering, BS and MS in Nursing, MS Biomedical Engineering, Rosenstiel Marine Science, Bimini Biological Field Station. However, from these funds, no less than $1,076,000 shall be allocated for the PHD in Bio- medical Science and no less than $349,897 shall be allocated for the BS in Motion Pictures.

Florida Institute of Technology: BS Engineering, Science Education.

Barry University: BS Nursing, MSW Social Work.

Nova/Southeastern University: MS in Speech Pathology.

Each university president shall submit a proposed expenditure plan to the Department of Education, for each program, and prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data by program, as required, to support the Legislature's performance-based budgeting initiatives. The Department of Education shall review each plan for compliance and shall identify corrective actions to be taken by an institution not meeting the prescribed standards.

70 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/ UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 1,000,000
FROM EDUCATIONAL AIDS TRUST FUND 500,000

71 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 677,609

78 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 70,830,388

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Funds in Specific Appropriation 78 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 26,370 students at $2,686 per student. The Office of Student Financial Assistance may prorate the award in the event more than 26,370 students are deemed to be Florida residents.

78A SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 5,605,562

Funds in Specific Appropriation 78A are to support Florida residents enrolled in the Osteopathy, Optometry, and Pharmacy programs. The university shall submit student enrollment information, by program, as a part of the quarterly release of appropriations. $125,000 is to support rural and unmet needs.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 108,559,976
FROM TRUST FUNDS 500,000

TOTAL ALL FUNDS 109,059,976

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

79 SALARIES AND BENEFITS POSITIONS 102
FROM GENERAL REVENUE FUND 1,097,494
FROM STUDENT LOAN OPERATING TRUST FUND . . 2,909,106
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 116,150

80 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 239,928
FROM STUDENT LOAN OPERATING TRUST FUND . . 596,540

81 EXPENSES
FROM GENERAL REVENUE FUND 209,121
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 234,172
FROM STUDENT LOAN OPERATING TRUST FUND . . 2,978,394
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 67,365
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 55,756

82 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,523
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 80,000
FROM STUDENT LOAN OPERATING TRUST FUND . . 696,005
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 6,000

83 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 90,118,769

84 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 38,924

85 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STUDENT LOAN OPERATING TRUST FUND . . 2,962,807

Specific Appropriation 85 includes $2,000,000 for the development of a student loan processing system. The Executive Office of the Governor shall not release these funds until the release has been approved by the Legislative Budget Commission, pursuant to the notice, review, and objection procedures established in s. 216.177, F.S. The budget amendment submitted by the department must include a complete project overview and feasibility study, including business case, project management plan, and major project risk assessment. The overview and study must be developed in consultation with the Technology Review Workgroup.

85A SPECIAL CATEGORIES
STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 1,485,105

Funds in Specific Appropriation 85A are provided to implement the updated management information system for the Bureau of Student Financial Assistance. The State Student Financial Assistance Database project shall be subject to special monitoring under s. 282.322, F.S., from July 1, 2001, through December 1, 2001, or upon the successful transition from system development to operation and maintenance, whichever is later. From the funds in Specific Appropriation 85A, $80,0000, which is provided for the project monitoring contract, shall be transferred to the Technology Review Workgroup within the Legislature by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S.

86 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,920
FROM STUDENT LOAN OPERATING TRUST FUND . . 8,758

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,596,910
FROM TRUST FUNDS 102,314,927

TOTAL POSITIONS 102
TOTAL ALL FUNDS 103,911,837

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

Performance Measures	FY 2001-02 Standards
OUTCOMES:	
Percent of high school graduates attending Florida postsecondary institutions	52%
Additional approved measures and standards are established in the FY 2001-02 Implementing Bill and are incorporated herein by reference.	

87 SPECIAL CATEGORIES
NURSE SCHOLARSHIP LOAN PROGRAM
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 686,656

88 SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 36,150

Funds provided in Specific Appropriation 88 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

89 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 2,700,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 400,000

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89A SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 57,912,398

90 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 14,940

Funds provided in Specific Appropriation 90 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

91 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 2,250,000

91A SPECIAL CATEGORIES
ETHICS IN BUSINESS SCHOLARSHIPS
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 500,000

91B FINANCIAL ASSISTANCE PAYMENTS
FLORIDA STUDENT ASSISTANCE GRANTS FOR PART-TIME STUDENTS
FROM GENERAL REVENUE FUND 3,828,086

Funds in Specific Appropriation 91B shall be expended in accordance with SB 1330, or similar legislation establishing a need-based financial aid program for part-time students. These funds are not contingent upon the passage of SB 1330 or similar legislation.

92 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

93 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 76,761,094

The funds in Specific Appropriation 93 are provided in the amounts specified for each scholarship and grant program listed below.

State Student Financial Assistance Trust Fund:

Public Student Assistance Grant (Full-time)	51,941,504
Private Student Assistance Grant	10,737,529
Postsecondary Student Assistance Grant	7,368,317
Children of Deceased/Disabled Veterans	333,250
Florida Work Experience Program	1,069,922
Critical Teacher Shortage Program	3,479,133
Florida Scholarship/Forgivable Loan Program	1,392,750
Exceptional Child Scholarship	82,159
Seminole/Miccosukee Indian Scholarships	45,780
Occupational/Physical Therapy Shortage Program	98,250
Rosewood Family Scholarships	100,000
Instructional Aide/Critical Teacher Shortage Program	112,500

From the funds provided in Specific Appropriation 93, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

From the funds provided in Specific Appropriation 93 for the Florida Work Experience Program, $200,000 shall be allocated to complete the pilot project to expand access for vocational students with financial need who are enrolled in a Postsecondary Adult Vocational program of at least 150 hours in length. A final report shall be submitted to the Legislature by the Department of Education on or before August 1, 2002. The report shall include an evaluation of the success of the program expansion, including a description of the number of participants by program, public and private sector placements, barriers to greater success, and recommendations for statutory and rule revisions which would encourage full student and institutional participation in the program.

From the funds appropriated in Specific Appropriation 93, $112,500 is provided for scholarships to instructional aides who have been employed by a public school district for at least one year, and who enroll in a program leading to a teaching certificate in a critical teacher shortage area. The following are the areas of critical state concern: foreign language, science, math, technology education, English for Speakers of Other Languages, and exceptional student education. The scholarship program shall provide up to $3,000 as reimbursement for matriculation and fees per year.

Funds provided in Specific Appropriation 93 are the maximum amounts provided for the specified grant programs. The Department shall ensure that sufficient program guidelines are in place to provide for the management of these grant programs within the specified level of the appropriation.

94 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

95 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 1,000,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND 68,025,812
FROM TRUST FUNDS 79,038,840

TOTAL ALL FUNDS 147,064,652

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

96 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL AIDS TRUST FUND 1,314,400

97 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 1,987,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS 3,301,400

TOTAL ALL FUNDS 3,301,400

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES

98 SALARIES AND BENEFITS POSITIONS 137
FROM GENERAL REVENUE FUND 6,708,665
FROM EDUCATIONAL AIDS TRUST FUND 305,725

99 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,800
FROM EDUCATIONAL AIDS TRUST FUND 10,780

100 EXPENSES
FROM GENERAL REVENUE FUND 2,476,135
FROM EDUCATIONAL AIDS TRUST FUND 61,548

101 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 175,335

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101A LUMP SUM
DATA WAREHOUSE

POSITIONS	12	
FROM GENERAL REVENUE FUND	3,600,000	
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		100,000

Funds appropriated in Specific Appropriation 101A are provided for the development of a data warehouse to facilitate measurement of student and school improvement in conjunction with the "A+" initiative. These funds shall be used to support ongoing contractual services for design and development of the data warehouse, to maintain database software, and to establish expertise within the department to maintain and enhance this data warehouse as components are delivered by the contractor and placed into a production environment.

102 SPECIAL CATEGORIES
CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	536,792	
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		10,000,000

From the funds appropriated in Specific Appropriation 102, $536,792 from the General Revenue fund is provided for network infrastructure enhancement for the Department of Education Turlington building.

From the funds appropriated in Specific Appropriation 102, $10,000,000 from the Principal State School Trust Fund is provided for technology initiatives that will benefit students and teachers. The Office of Technology and Information Services in the Department of Education shall convene a panel of recognized authorities in the field of education technology as the Technology Review Group (TRG). The TRG shall review and evaluate existing and emerging technologies that affect the performance of students and teachers. The TRG shall receive, evaluate and rank the responses to this request for proposals and shall award grants for these technology funds by December 1, 2001. These funds shall not be released until the plan for their use is approved by the Legislative Budget Commission.

103 SPECIAL CATEGORIES
LITIGATION EXPENSES

FROM GENERAL REVENUE FUND	24,562	

104 SPECIAL CATEGORIES
PROVISION OF CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	500,000	

105 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	55,535	

106 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION

FROM GENERAL REVENUE FUND	2,252,583	
FROM EDUCATIONAL AIDS TRUST FUND		293,456

107 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM

FROM GENERAL REVENUE FUND	638,186	
FROM EDUCATIONAL AIDS TRUST FUND		134,169

TOTAL: PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES

FROM GENERAL REVENUE FUND	17,055,593	
FROM TRUST FUNDS		10,905,678
TOTAL POSITIONS	149	
TOTAL ALL FUNDS		27,961,271

PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS

From the funds appropriated in Specific Appropriations 108, 109 and 110, the Department of Education is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $20 per person, and/or a booth fee, not to exceed $250 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (e.g., mementos, awards, plaques, etc.).

108 SALARIES AND BENEFITS

POSITIONS	313	
FROM GENERAL REVENUE FUND	9,227,912	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		2,025,203
FROM EDUCATIONAL AIDS TRUST FUND		2,282,975
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		1,712,559
FROM FOOD AND NUTRITION SERVICES TRUST FUND		686,504
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		268,895

From the funds appropriated in Specific Appropriations 108, 109 and 110 for oversight of school district management practices, the Commissioner of Education shall determine whether classroom teachers in each school district are being required to use the ESE Matrix of Services for any students other than students funded in Support Levels IV and V of the Florida Education Finance Program. A report containing findings shall be provided to the Governor and the Legislature on or before January 15, 2002. This report shall include a detailed explanation for districts which continue to require use of the matrix.

109 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	684,592	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		189,279
FROM EDUCATIONAL AIDS TRUST FUND		251,351
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND		104,555
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		154,921

110 EXPENSES

FROM GENERAL REVENUE FUND	3,612,120	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		735,902
FROM EDUCATIONAL AIDS TRUST FUND		1,187,519
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		519,138
FROM FOOD AND NUTRITION SERVICES TRUST FUND		519,957
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		123,519

From the funds in Specific Appropriation 110, the Commissioner of Education is authorized to contract with a state university to implement the common course numbering system.

From the funds appropriated in Specific Appropriation 110 for maintenance of the state's student database, the Commissioner of Education shall convene a working group of school district and department staff responsible for student enrollment forecasts. This working group shall identify new data elements that shall be added to the state's student database in order to identify and explain trends that influence the in- and out- migration of students from districts. These additional data elements shall measure both economic and demographic trends and the effects of educational policy changes made by the department and by the Legislature. These data elements shall be collected beginning with the 2001-2002 school year and shall be reported sufficiently in advance of student enrollment estimating conferences to permit thorough analysis of the data.

111 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	159,760	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		143,440
FROM EDUCATIONAL AIDS TRUST FUND		379,164
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,000

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112 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 40,692,371
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 4,800,000
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 782,107
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 3,605,776

Funds appropriated in Specific Appropriation 112 shall be used by the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds appropriated in Specific Appropriation 112 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner of Education is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

From funds appropriated in Specific Appropriation 112, $1,600,000 from General Revenue is provided for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From the funds appropriated in Specific Appropriation 112, $4,800,000 from the Principal State School Trust Fund is provided for FCAT assessment contracts that require expedited scoring of performance items. Contracts must require that performance item scores shall be received by the Commissioner of Education on or before May 24, 2002. These contracts shall also provide financial penalties for late receipt of scores.

From funds appropriated in Specific Appropriation 112, $1,639,764 from General Revenue is provided for the administration of a School Readiness Uniform Screening instrument. Funds shall be used for the purchase of the test instruments, training, scoring and systems processing. The results of this assessment and the identification of each student's early childhood education provider for the year prior to kindergarten enrollment shall become part of each student's record in the state's automated student database.

113 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 203,155

115 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 74,375

116 SPECIAL CATEGORIES
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 200,000

117 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 720,411
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 9,616

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FROM EDUCATIONAL AIDS TRUST FUND 11,450
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 5,309
FROM FOOD AND NUTRITION SERVICES TRUST FUND 3,792
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 1,759

117A SPECIAL CATEGORIES
LAND ACQUISITION AND FACILITIES ADVISORY BOARD
FROM GENERAL REVENUE FUND 250,000

TOTAL: PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS
FROM GENERAL REVENUE FUND 55,624,696
FROM TRUST FUNDS 20,743,115

TOTAL POSITIONS 313
TOTAL ALL FUNDS 76,367,811

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

From the funds appropriated in Specific Appropriations 4A, 5, and 118 through 122A, Public Schools will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percent of "A" schools reported by each district	600; 25.0%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

118 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 6401,419,534
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 58,900,000

The Department's bimonthly distribution of funds provided in Specific Appropriation 118 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 118 shall be allocated using a base student allocation of $3,413.18 for the K-12 FEFP.

Students in juvenile justice education programs shall not be funded for more than 25 hours per week of direct instruction.

From the funds in Specific Appropriation 118, charter schools shall be provided an allocation pursuant to s.228.056(13),F.S. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in 1998-99.

From the funds provided in Specific Appropriiation 118, at the request of the provider of a nonresidential program for juvenile justice programs, a district school board may decrease the required minimum number of days of instruction for students. FTE student membership shall be reported and funded only for the number of days authorized and the minimum number of days authorized for students instruction shall not be less than 180 days.

From the funds provided in Specific Appropriation 118, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in 1998-1999.

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A minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per unweighted full-time equivalent K-12 student over the amount per unweighted full-time equivalent K-12 student funded in the 2000-2001 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds for K-12 programs and actual discretionary local revenue for 2000-2001 with total state and local formula and categorical funds for K-12 programs and maximum potential discretionary local revenue for 2001-2002 and shall include the additional funds gained by reducing district expenditures required for the Florida Retirement System as shown in legislative workpapers for the 2001-02 FEFP. Funds allocated for the District Lottery and School Recognition Program and the 2000-01 District Discretionary Lottery Funds shall not be included in the calculation of the Minimum Guarantee.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds appropriated in Specific Appropriation 118, $31,000,000 is provided for the Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 2001-2002.

Total unadjusted required local effort taxes for 2001-2002 shall be $4,435,730,649. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 2001-2002 shall be:

1) 0.510 mills, and

2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.250 mills and raise less than $50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 118, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 118 are based upon program cost factors for 2001-2002 as follows:

1. Basic Programs	
A. K-3 Basic	1.007
B. 4-8 Basic	1.000
C. 9-12 Basic	1.113
2. Programs for Exceptional Students	
A. Support Level 4	3.948
B. Support Level 5	5.591
3. English for Speakers of Other Languages	1.265
4. Programs for Grades 7-12 Vocational Education	1.206

From the funds appropriated in Specific Appropriation 118, $955,836,750 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation shall be the amount shown in the Legislative work papers for the 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year. School districts that are providing educational services in 2000-2001 for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure

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requirements for the ESE Guaranteed Allocation shall be as prescribed in Section 237.34 (3), Florida Statutes, for programs for exceptional students.

From the funds appropriated in Specific Appropriation 118, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

None of the funds provided in the 2001-2002 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

From the funds appropriated in Specific Appropriation 118, $75,350,000 is provided for Safe Schools activities and shall be allocated as follows: $30,000 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, (3) alternative school programs for adjudicated youth, and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

Funds appropriated in Specific Appropriation 118 for inservice personnel training, as prescribed in s. 236.081(3), F.S., are transferred to Specific Appropriation 122.

From the funds appropriated in Specific Appropriation 118, $676,658,381 is provided for Supplemental Academic Instruction to be provided at appropriate times throughout the school year to help students gain at least a year of knowledge for each year in school and to help students not be left behind. Districts may utilize these funds to implement remedial instruction required by s. 232.245, F.S., and the requirements of s. 232.246, F.S. Schools shall determine the supplemental strategies that are most appropriate for each student. Strategies may include, but are not limited to: modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, and intensive skills development in summer school. Each district's Supplemental Academic Instruction allocation shall be the amount shown in the legislative work papers for the 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

From its allocation of funds appropriated in Specific Appropriation 118, Duval County may extend the length of the school day for students enrolled in grades one through three by one hour in order to provide additional reading instruction.

No funds are provided in Specific Appropriation 118 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

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From the funds appropriated in Specific Appropriation 118, district school boards and developmental research schools that fail to meet the following minimum student academic performance standards must satisfy the following minimum expenditure requirement for "classroom instruction."

The minimum district academic performance standard is defined as the district weighted performance grade that is at or above the state median district performance grade for elementary schools, middle schools and high schools; and a student non-promotion rate that is at or below the state average non-promotion rate.

District weighted performance grades are based on a district's student and school performance grades required by Section 229.57 (6), Florida Statutes. The three district performance grades will be calculated for 1) all elementary schools; 2) all middle schools; and 3) all high schools. Each of the three district performance grades will be a grade calculated by weighting individual school grades by the school's enrollment.

Expenditures for classroom instruction shall be calculated as a specified percentage of the district's K-12 operating expenditures as reported in the most recent annual financial statement filed with the Commissioner of Education. Classroom instruction expenditures and district total operating expenditures are defined in HB 1545 or similar legislation.

Each school district that fails to meet the minimum district academic performance standards indicated above must increase expenditures for classroom instruction over the percentage expended by 1% for each academic performance standard not met.

From the funds appropriated in Specific Appropriation 118 for Miami-Dade County Public Schools, $310,000 shall be provided by the Miami-Dade County School Board to the Office of the Auditor General to pay the cost for three auditors who will be located on-site in the school board administrative offices. The Auditor General shall provide the Governor and Legislature a periodic report of findings and recommendations.

119 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER RECRUITMENT AND RETENTION
FROM GENERAL REVENUE FUND 152,000,000

Funds appropriated in Specific Appropriation 119 are provided to make the recruitment and retention of the best qualified teacher for every classroom a priority for the state and for each school district. These funds shall be allocated on each district's share of total unweighted FTE.

Funds in Specific Appropriation 119 shall be used to provide a retention bonus of $850 to each classroom teacher, including all instructional personnel defined in s. 228.041(9)(a)-(d), Florida Statutes, who:

1. Are employed by a school district in a full-time capacity for the 2001-2002 school year and were employed by a Florida school district in a full-time capacity during the 2000-2001 school year,
2. Hold a valid Florida Educator's Certificate, and
3. Received a performance evaluation of Satisfactory or higher in 2000-2001.

Funds in Specific Appropriation 119 are provided to pay the employer's share of Social Security and Medicare taxes (7.65 %) which are in addition to the amount provided for the $850 retention bonuses.

Funds in Specific Appropriation 119 are not required to provide the $850 retention bonuses as specified above shall be used to implement recommendations of the Task Force on Florida's Education Workforce, including scholarships for teachers. These funds may be used in a variety of ways, depending on the specific needs of each school district. Funds may be used to provide a signing bonus of $850 for classroom teachers hired for the first time in Florida. These signing bonuses are provided for out-of-state teachers entering Florida and for individuals from Florida entering the teaching profession. Teachers eligible for signing bonuses include all personnel defined in s. 228.041 (9)(a), Florida Statutes. Funds may be used to provide other bonuses to classroom teachers, such as teachers in schools with a performance grade of "D" or "F".

The $850 retention bonus as specified above shall be delivered to eligible classroom teachers and other instructional personnel no later than October 15, 2001. This bonus is mandatory, is not subject to school board discretion, including charter districts, and is not subject to the provisions of Chapter 447, Florida Statutes.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 213,538,584

From the funds appropriated in Specific Appropriation 120, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(g), Florida Statutes.

The growth allocation per FTE student is $310.72 in 2001-2002. If the funds provided in Specific Appropriation 120 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 2001; 35% on or about October 10, 2001; 10% on or about January 10, 2002 and the balance on or about June 10, 2002.

From the funds appropriated in Specific Appropriation 120, $15,000,000 is provided for Library Media Materials, and $3,200,000 is provided for purchase of science lab materials and supplies.

120A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 34,325,000

Funds appropriated in Specific Appropriation 120A shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 411,269,216

Funds appropriated in Specific Appropriation 121 shall be used to transport students as provided in s. 236.083, Florida Statutes.

122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 36,000,000

Funds appropriated in Specific Appropriation 122 shall be prorated among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

Funds appropriated in Specific Appropriation 122 are provided for inservice training of instructional personnel and include funds required by s.236.081(3), F.S. Each school district shall design a system, approved by the Department of Education, for the professional growth of instructional personnel that links and aligns inservice activities with student and instructional personnel needs as determined by school improvement plans, annual school reports, student achievement data, and performance appraisal data of teachers and administrators. Inservice activities shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards; assessment and data analysis; classroom management; and school safety. These plans shall make provision for active participation in the Sunshine State Teacher Professional Development Network for persons seeking alternative or add-on certification, for

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teachers who wish to participate in the Florida Mentor Teacher Pilot Program and for teachers preparing for performance assessment based on student achievement. Payment of a license fee for participation in the Sunshine State Teacher Professional Development Network is a permissible use of funds appropriated in Specific Appropriation 83.

To be eligible to receive funds appropriated in Specific Appropriation 122, districts must have a professional development system approved by the Department of Education and must require school principals to establish and maintain individual professional development plans for each instructional employee. The need for any training activity defined in a teacher's professional development plan must clearly be related to specific performance data for the students to whom the teacher is assigned. Plans must include clearly defined training objectives and specific and measurable improvements in student performance that are expected to result from the training activity. Plans must also include an evaluation component; principals must measure the extent to which each training activity did accomplish the student performance gains that were predicted to result from the training activity.

122A AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 15,386,500

Funds appropriated in Specific Appropriation 122A shall be provided to teachers pursuant to s.231.67, F.S. Funds shall be allocated by prorating among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM GENERAL REVENUE FUND 7263,938,834
FROM TRUST FUNDS 58,900,000

TOTAL ALL FUNDS 7322,838,834

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

124A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRANSFER LOTTERY TO
EXECUTIVE OFFICE OF THE GOVERNOR/
PARTNERSHIP FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 1,075,000

125A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA VIRTUAL HIGH
SCHOOL
FROM GENERAL REVENUE FUND 6,170,000

The first priority use of funds appropriated in Specific Appropriation 125A shall be increased availability of and access to Advanced Placement and college preparatory courses for students in "D" and "F" schools. Those students shall be given priority for courses offered by the school.

From the funds appropriated in Specific Appropriation 125A, 25% shall be distributed at the beginning of each quarter unless the Executive Office of the Governor approves an accelerated release schedule to address workload requirements of the Florida Virtual High School.

126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,150,000

From the funds appropriated in Specific Appropriation 126, $200,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 126, $950,000 is provided for the Sunlink Uniform Library Database.

127 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EXCELLENT TEACHING PROGRAM TRUST
FUND 31,447,504

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From the funds appropriated in Specific Appropriation 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

In addition to the award amounts calculated as defined in s. 236.08106, F.S., teachers who achieve National Board certification shall receive a bonus award of $500 and nationally board-certified teachers who agree to serve as mentor teachers shall receive a bonus award of $500. The total additional bonus award amount for a nationally board-certified teacher is $1,000.

127A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL SCHOOL DISTRICT
STABILIZATION FUND
FROM GENERAL REVENUE FUND 1,000,000

128 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,740

129 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 1,500,000

Funds appropriated in Specific Appropriation 129 are provided for Florida Channel - Panhandle Area Education Consortium (PAEC).

130 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXTENDED SCHOOL YEAR
FROM GENERAL REVENUE FUND 11,000,000

Funds appropriated in Specific Appropriation 130 are provided for the second year of a three year Extended School Year Pilot Program. The purpose of the extended school year pilot program is to provide schools an opportunity to extend the school year by 30 days and then assess its effect on student performance. Participating schools must extend the length of the academic year for students beyond 180 to 210 days. An extended school year will encompass the following: programs shall be planned for all students enrolled in the school with full participation being required. Additional time-on-task for students will be used to provide additional content. These funds shall not be used to extend the school day or support traditional summer school programs.

The implementation plans for each school must include, but are not limited to: 1) teacher training, individual and collaborative teacher planning time, and innovative use of technology as key elements of the school's implementation of an extended school year, and (2) student performance data that will be used at the end of the school year to evaluate the extent to which an extended school year is associated with student performance.

The Department of Education shall allocate funds specified to each school district for the identified school to participate in the extended school year pilot program. Each district shall receive an allocation for the operation of the participating schools which shall be calculated by: (1) dividing each district's FY 2001-2002 FEFP base funding amount by the total funded weighted student enrollment of the district (2) multiplying that product by the estimated number of weighted students enrolled in the extended school year (3) times the number of days in the school year in excess of 180. The Commissioner is authorized to adjust the amount of the award to be based on actual student enrollment. Students participating in the extended school year pilot program shall be eligible to receive transportation funding as provided in s. 236.083, F.S. The Executive Office of the Governor is authorized to certify forward into next fiscal year any unspent funds from Specific Appropriation 130 necessary for the implementation of the pilot program.

The following schools shall participate in the pilot:

Broward: Lauderdale Lake Middle School, Hollywood Park Elementary School

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Miami-Dade: Drew Elementary School, Toussaint L'Overture Elementary School, Opa Locka Elementary School, North Miami Elementary School
Duval: St. Clair Evans Elementary School, Bethune Elementary School, Sallye Mathis Elementary School
Escambia: Spencer Bibbs Elementary School, A.A. Dixon Elementary School
Hillsborough: Oak Park Elementary School, Robles Elementary School, Sulphur Springs Elementary School
Orange: Ivey Lane Elementary School, Engelwood Elementary School
Pinellas: Frontier Elementary School, Gulfport Elementary School, Maximo Elementary School
Sarasota: Booker Elementary School
Sumter: South Sumter Middle School

In the event of an unforeseen circumstance that prevents a selected school from participating in the pilot program, the superintendent of the district may select a different school to participate. However, the replacement school must implement an extended school year within the allocation amount provided to the school that is being replaced. The school must meet the extended school year pilot program criteria in order to participate in the program.

The Commissioner of Education shall submit a report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by October 1, 2001, that evaluates the success of each school's implementation of an extended school year.

130A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 6,261,863
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 3,000,000

From the funds appropriated in Specific Appropriation 130A, $3,000,000 from the Principal State School Trust Fund and $2,191,291 from General Revenue, are provided to the Florida Literacy and Reading Excellence (FLARE) Center at UCF to be used for a pilot program to develop Master Teacher Trainers in Reading for teachers in the primary grades, and reading in the content areas for teachers in the secondary grades. The focus shall be on prescriptive approaches to solving student reading deficiencies using FLARE Center best practices research. This pilot program shall be implemented and coordinated with the activities funded in Florida with any federal grant funds received to improve student reading in grades K-12.

From the funds appropriated in Specific Appropriation 130A ,$850,000 is provided for operation of the FLARE Center, $552,000 is provided for the Northeast Florida Education Consortium Reading Initiative, and $268,572 is provided for Direct Instruction.

From the funds appropriated in Specific Appropriation 130A, $1,440,000 is provided to the Department of Education for a grant to the Institute for School Innovation for the continuation of a research study to determine the effect of class size on academic achievement in reading, writing, and mathematics. The Department of Education shall make these funds available for this program no later than August 1, 2001.

From the funds appropriated in Specific Appropriation 130A, $960,000 is provided to the Department of Education for a grant to the Institute for School Innovation for implementation of Project Child in elementary schools. Preference shall be given to schools rated "D" or "F", or schools that have declined in the A+ rating system. The Institute shall provide the appropriate materials, teacher training, and leadership training to fully implement Project Child.

Adopting schools shall commit to two-year renewable costs of no more than $50 per student. The Department of Education shall make these funds available for this program no later than August 1, 2001.

Funds appropriated in Specific Appropriation 130A are provided for Direct Instruction.

131 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 5,000,000

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Funds appropriated in Specific Appropriation 131 shall be used to fund activities designed to improve student achievement and readiness for college especially in low performing middle and high schools. The Commissioner of Education shall extend the contract awarded for the 2000-2001 fiscal year if the terms and conditions of the contract were satisfied. Otherwise, the Commissioner of Education shall contract with a nonprofit member organization, such asthose which provide the PSAT or ACT examinations, with broad expertise and experience in preparing students and training teachers for success in Advanced Placement and other advanced college preparatory courses as provided in s.236.081 (1)(m), F.S. The entity selected for this program must provide teacher training, college entrance test preparation, curriculum alignment with FCAT and Advanced Placement courses, implementation of a software and database for individual assessment of students' strengths and weaknesses as related to advanced courses and college readiness, a free Internet-based student help service for preparation for college entry tests, recruiting tutors to help students meet higher performance standards, and a student performance management process for tracking and improving student achievement. The service provider shall conduct a rigorous evaluation of the effectiveness of such activities with greatest emphasis on student achievement and shall match at least one-third of this allocation in materials and services to the program.

131A SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION PARTNERSHIPS
FROM GENERAL REVENUE FUND 5,449,931

From the funds appropriated in Specific Appropriation 131A, $4,800,000 is provided for Alternative Schools/Public Private Partnerships. A school district may apply for funding for an educational program to serve a minimum of 500 or more disruptive and low performing students per school in grades 6-12. Programs funded must provide proof of educational progress in reading and mathematics demonstrated in existing programs with similar student populations. The program shall operate in a separate school facility provided by the education provider, unless otherwise negotiated with the school district. Any provider of this program must have at least three years of experience successfully serving this student population. The design of the school shall include small learning communities and areas of support services provided by community-based providers. The district school board may contract with a non-profit or for-profit entity to operate the program including the provision of personnel, supplies, equipment and/or facilities.

From the funds appropriated in Specific Appropriation 131A, $649,931 is provided for the Florida Council on Economic Education.

131B SPECIAL CATEGORIES
GRANTS AND AIDS - LEARNING GATEWAYS
FROM GENERAL REVENUE FUND 6,000,000

Funds appropriated in Specific Appropriation 131B are provided to the Department of Education to implement three pilot Learning Gateway programs in Orange, Manatee, and St. Lucie Counties. The programs shall address prevention of learning disabilities in children ages birth to 9.

132 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT
PROGRAM
FROM GENERAL REVENUE FUND 3,999,988

135 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND
LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 3,039,494

Funds appropriated in Specific Appropriation 135 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida	633,344
University of Miami	596,381
Florida State University	594,558
University of South Florida	621,637
University of Florida Health Science Center at Jacksonville	593,574

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Each center shall provide a report to the Department of Education by September 1, 2001, for the 2000-2001 year that shall include the following: 1) the number of children served, 2) the number of parents, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

136A SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM GENERAL REVENUE FUND 103,765,000

The Commissioner of Education is authorized to allocate funds appropriated in Specific Appropriations 136A among the following school readiness programs: Pre-Kindergarten Early Intervention, Early Childhood Services, Migrant 3 and 4 - year old program, and the Florida First Start Program.

136B SPECIAL CATEGORIES
TRANSFER TO EXCELLENT TEACHING TRUST FUND
FROM GENERAL REVENUE FUND 27,967,009

137 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 964,618

137A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 1,300,000

Funds appropriated in Specific Appropriation 137A are provided as challenge grants to public school district education foundations for low performing students. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Before any funds appropriated in Specific Appropriation 137A may be released to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that private cash has actually been received by the public school district education foundation seeking state matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program. Administrative costs for the program shall not exceed five percent (5%).

Funds appropriated in Specific Appropriation 137A shall be allocated and expended consistent with the provisions of SB 950, SB 934 or similar legislation. Funds appropriated in Specific Appropriation 137A are not contingent on SB 950, SB 934 or similar legislation becoming law.

138A SPECIAL CATEGORIES
EDUCATOR PROFESSIONAL LIABILITY INSURANCE
FROM GENERAL REVENUE FUND 1,200,000

Funds appropriated in Specific Appropriation 138A shall be used to provide all instructional personnel with professional liability insurance coverage for monetary damages and the cost of defense from claims made against them in the performance of their professional duties in accordnace with HB 409 or similar legislation. The Professional Educators Network shall purchase the coverage, administer the program, and provide communications and notification to all instructional personnel of the benefits of the program.

138B SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 165,000

141 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 4,975,000

Funds appropriated in Specific Appropriation 141 shall be allocated to the six autism centers as follows:

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University of South Florida/Florida Mental Health Institute.	966,666
University of Florida (College of Medicine).....	736,666
University of Central Florida.....	726,666
University of Miami (Department of Pediatrics)..... including $157,000 for activities in Palm Beach County through FAU and $182,000 for activities in Broward County through Nova Southeastern University	991,670
University of Florida (Jacksonville).....	736,666
Florida State University (College of Communications).....	816,666

Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 2001.

142 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

Funds appropriated in Specific Appropriation 142 shall be allocated as provided in section 228.0857, Florida Statutes.

143 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 7,640,472

From the funds in Specific Appropriation 143, $363,000 is provided to the Florida Association of District School Superintendents for district superintendent and district leader in-service training. There shall be an emphasis on understanding teacher evaluation and student performance.

From the funds appropriated in Specific Appropriation 143, $317,000 is provided for Florida School Boards Association school board member in-service training.

From the funds appropriated in Specific Appropriation 143, $4,000,000 is provided for the development of a Sunshine State Professional Development Network. The purposes of this network are to assist teachers seeking alternative or add-on certification consistent with the provisions of s. 231.17(7)(a), F.S., to assist teachers who wish to participate in the Florida Mentor Teacher Pilot Program as defined in s. 231.700, F.S., and to assist teachers to prepare for performance assessment based on student achievement as required by s. 231.29, F.S.

The Commissioner of Education shall contract for development, implementation and maintenance of a web-based network platform with integrated, high quality professional development content and services for teachers. The network must include state-of-the-art technology, utilizing video-intensive case pedagogy for delivery of web-based professional development. Network development for 2001-2002 shall include not less than 300 hours of customized content. Initial content modules and support services shall be provided by September 1, 2001. Maintenance and support of the network must include: (a) regular diagnostic analyses of individual teacher's needs as a basis for activities, (b) development of a capacity for peer coaching and mentoring at each school site, (c) leadership development through on-line study groups for schools and district administrators, (d) continuous customization of courses to address local issues, (e) installation of network access for relevant district and staff computers, (f) technical support for district technology staff, (g) continuous on-line and toll-free telephone help for teachers and facilitators, (h) on-site consulting services with district leadership based on diagnostic analyses, and (i) hosting costs; bandwidth fees and upgrades of software. The Commissioner shall negotiate a discounted annual license fee, not to exceed $375, for each individual's access to and use of the network and its associated services.

From the funds appropriated in Specific Appropriation 143, $500,000 is provided to continue Urban Teacher Residency Programs at the University of North Florida and the University of Central Florida, $275,000 is provided for the Florida Humanities Council, $336,000 is provided for the Panhandle Area Education Consortium (PAEC) Staff Academy, $50,000 is provided for the Minority Teacher Incentive Program, and $800,000 is provided for the Flight to Your Future Teacher Resource and Activity Center at Embry-Riddle Aeronautical University for math/science enhancement.

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144 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,742

Funds appropriated in Specific Appropriation 144 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

145 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

145A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 6,032,042

From the appropriated funds in Specific Appropriation 145A, $3,000,000 is provided to improve Mathematics and Science instruction.

From the funds appropriated in Specific Appropriation 145A, $175,000 is provided for Arts for a Complete Education, $750,000 is provided for the Florida Holocaust Museum, and $500,000 is provided for the Keating Maritime Center.

From the funds appropriated in Specific Appropriation 145A, $75,000 is provided for State Science Fair, $125,000 is provided for Academic Tourney, $25,000 is provided for Hands in Action-Family, Schools and Friends, $500,000 is provided for the Center for Infant Child School Outreach Program, $500,000 is provided for SER/SABER/Youth Coop, and $132,042 is provided for Instructional Materials Management.

From the funds appropriated in Specific Appropriation 145A, $250,000 is provided for Instructional Materials Innovation in the first state-approved charter school district. Identified teachers will participate in a project with publishers and other teachers to design a system for preparation and delivery of materials specifically designed to meet the individualized instructional needs of each teacher.

146 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 2,891,336
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

Funds appropriated in Specific Appropriation 146 may be provided for, but are not limited to, the following: the Pre-Kindergarten Handicapped Information System, Network of Centers for Severely Emotionally Disturbed, Florida Diagnostic and Learning Resource Centers, Resource Materials for the Hearing Impaired, Visually Handicapped Resources, Very Special Arts, Governor's Summer Program for the Gifted, and Challenge Grant Program for the Gifted.

147 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 30,755,562
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,694,501

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

From the funds appropriated in Specific Appropriation 147, $579,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental screening services for students. It is the intent that the school develop a collaborative service agreement for medical services that will be self-sustaining through maximizing the recovery of all legally available funds from Medicaid and private insurance coverage. Information describing the collaborative agreement, the services provided, budget and expenditures shall be provided to the Legislature by January 1, 2002. The school shall report to the Legislature by June 30, 2002, the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2001-2002 Fiscal Year.

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From the funds appropriated in Specific Appropriation 147, The Board of Trustees shall provide to each eligible classroom teacher and other instructional personnel a retention bonus of $850 in accordance with the requirement of the proviso language for Specific Appropriation 119. The Board may also implement recruitment efforts as authorized in Specific Appropriation 119.

147A SPECIAL CATEGORIES
GRANTS AND AIDS - SHARPEN THE PENCIL
FROM GENERAL REVENUE FUND 3,200,000

Funds appropriated in Specific Appropriation are provided for Best Practices Reviews of public school districts conducted by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA). OPPAGA is also authorized to contract with a private evaluator for Best Practice Reviews.

From the funds appropriated in Specific Appropriation 147A, the Office of Program Policy Analysis and Governmental Accountability shall use $900,000 to contract for a private evaluator using an RFP process to conduct a Best Financial Management Practices Review of the Miami-Dade County School District.

The funds appropriated in Specific Appropriation 147A shall be utilized in the manner described in SB 1780, HB 269 or similar legislation. Funds appropriated in Specific Appropriation 147A are not contingent upon SB 1780, HB 269, or similar legislation becoming law.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 238,316,897
FROM TRUST FUNDS 43,475,359

TOTAL ALL FUNDS 281,792,256

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

150 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 654,100,702

151 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL AIDS TRUST FUND 56,190,521

152 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES TRUST FUND 488,009,644

153 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM - STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046

Funds appropriated in Specific Appropriation 153 for the School Breakfast program shall be allocated as provided in s. 228.195, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 1198,300,867

TOTAL ALL FUNDS 1215,186,913

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

154 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 106,100

Funds appropriated in Specific Appropriation 154 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

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155 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 250,000

156 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 1,329,566

From the funds appropriated in Specific Appropriation 156, $900,000 shall be allocated as follows: $53,780 for WFSU-FM, Tallahassee, $651,363 for WGCU-TV/FM, Ft. Myers, $191,019 for WUFT-TV/FM, Gainesville and $3,838 for WUSF-FM, Tampa.

157 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION
RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,591,281

The funds appropriated in Specific Appropriation 157 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

159 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 9,138,361

The funds appropriated in Specific Appropriation 159 shall be allocated as follows: $609,207 for statewide governmental and cultural affairs programming; $549,120 for public television stations recommended by the Commissioner of Education, and $106,236 for public radio stations recommended by the Commissioner of Education.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 159 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds appropriated in Specific Appropriation 159, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

160 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT
INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 190,000

161 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES
FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 18,013,222

TOTAL ALL FUNDS 18,013,222

WORKFORCE DEVELOPMENT, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

162 SALARIES AND BENEFITS POSITIONS 91
FROM GENERAL REVENUE FUND 2,164,548
FROM EDUCATIONAL AIDS TRUST FUND 1,989,678
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 562,049

163 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 21,666
FROM EDUCATIONAL AIDS TRUST FUND 190,916
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 41,213

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164 EXPENSES
FROM GENERAL REVENUE FUND 583,329
FROM EDUCATIONAL AIDS TRUST FUND 1,897,651
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 249,951

165 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,071
FROM EDUCATIONAL AIDS TRUST FUND 47,842

166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,581
FROM EDUCATIONAL AIDS TRUST FUND 6,055
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 526

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,814,195
FROM TRUST FUNDS 4,985,881

TOTAL POSITIONS 91
TOTAL ALL FUNDS 7,800,076

PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS

167 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 23,457,545

168 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT HANDICAPPED FUNDS
FROM GENERAL REVENUE FUND 19,740,221

Funds appropriated in Specific Appropriation 168 will be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in 2000-2001 will be eligible for continuation funding if the program has made satisfactory progress as defined by the Division of Workforce Development. From the funds in Specific Appropriation 168, $17,919,573 is provided for school district adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

Alachua	52,368
Baker	229,953
Bay	205,520
Bradford	74,613
Brevard	640,000
Broward	1,947,488
Charlotte	74,105
Citrus	160,000
Clay	20,407
Collier	55,176
Columbia	55,000
De Soto	342,355
Escambia	312,460
Flagler	1,132,656
Gadsden	575,000
Gulf	45,000
Hardee	63,736
Hernando	107,121
Hillsborough	606,355
Jackson	2,154,271
Jefferson	81,409
Lake	37,882
Leon	1,216,398
Marion	25,000
Martin	436,199
Miami-Dade	2,378,232
Monroe	110,463
Orange	590,851
Osceola	46,620
Palm Beach	1,607,344

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Pasco	19,836
Pinellas	791,193
Saint Johns	119,246
Santa Rosa	52,318
Sarasota	925,513
Sumter	18,355
Suwannee	100,990
Taylor	99,843
Union	109,980
Wakulla	48,562
Washington	249,715

From the funds provided in Specific Appropriation 168, $1,820,688 is provided for community college adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

Central Florida	41,665
Daytona Beach	355,085
Florida CC at Jax	307,029
Indian River CC	162,587
Pensacola	45,000
Polk CC	345,801
St. Johns CC	54,000
Santa Fe	88,500
Seminole CC	78,000
South Florida	294,495
Tallahassee	48,526

169 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 77,144,852

169A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PREFERRED TECHNOLOGY
CURRICULUM PATHWAY
FROM GENERAL REVENUE FUND 2,000,000

TOTAL: PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS
FROM GENERAL REVENUE FUND 21,740,221
FROM TRUST FUNDS 100,602,397

TOTAL ALL FUNDS 122,342,618

PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS

170 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 5,918,293

Funds in Specific Appropriation 170 shall be used for the following purposes subject to review and approval by the Postsecondary Education Planning Commission:

1. New or expanded training programs at community colleges or school districts for new horizon jobs approved by Workforce Florida, Inc.

2. Upgrading of existing workforce development programs to meet program standards referenced in s. 239.229(2)(c) or s. 240.312.

3. Any proposal identified for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 239.514.

The Postsecondary Education Planning Commission may, at its discretion, recommend to the Legislature second year funding for operating costs for any new program funded through this appropriation.

From the funds in Specific Appropriation 170 up to $3,271,373 shall be used to cover recurring instructional and operating expenditures for new programs funded through Specific Appropriation 134A of Chapter 2000-166 subject to review and recommendation by the Postsecondary Education Planning Commission.

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From the funds in Specific Appropriation 170, $800,000 is provided to create an instructional training program in information technology, focusing on the needs of k-12 and community college faculty in applying the latest technologies in the classroom. The program will serve the local needs of a rapidly growing community as well as statewide needs through internet and other distance learning strategies. Priority will be given to proposals that make effective use of donated facilities and, as a byproduct, produce revenue by responding to the staff development needs of corporate partners.

From the funds in Specific Appropriation 170, $400,000 is provided to develop a program in business management with a specialty in tourism and hospitality. Students will design, develop, operate and manage a tourism-related business, which will encompass lodging, food service, and concierge services. Students will also utilize internet technology in marketing and coordinating activities between various hospitality/tourism sectors. This program will provide students with the training and experience necessary to receive wage levels in excess of those received by entry-level employees graduating from traditional programs. Community colleges whose local economy is principally dependent on tourism and special events and who work in partnership with the local tourism industry, will receive priority in being selected for this program.

171 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 722,507,004

Funds in Specific Appropriation 171 are provided for workforce development education programs as defined in s. 239.105 (28), Florida Statutes, and shall be used for no other purpose.

School districts and community colleges are not required to decrease fees to meet the state adopted fee schedule.

Pursuant to the provisions of s. 239.117 (5), Florida Statutes, School districts and community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected. School districts and community colleges shall not be required to reduce fees as a result of the fee schedule adopted by the State Board of Education pursuant to s.239.117 (6)(c), Florida Statutes. However, identical fees shall be required for all community colleges students who take a specific course, regardless of the program thay are enrolled in.

To provide for performances that may not have been reported in a timely, accurate manner for the FY 2001-2002 Workforce Development Education funding formula, the Department of Education and the State Board of Community Colleges are directed to provide local school districts and community colleges with an opportunity to submit supplemental data for performance payments. The data, once reported, will be evaluated using the same methodology as data reported during the regular reporting cycle. Payments for performances that are not duplicative of performances that have already been paid will be identified in a separate category and will be part of the Department of Education's funding request for FY 2002-2003 unless sufficient balances exist in the 2001-2002 appropriation to make the payment.

From the funds provided in Specific Appropriation 171, $407,680,556 is provided for school district workforce development programs. None of these funds are to be used to support K-12 programs or the district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions. These funds shall be allocated as follows:

Alachua	1,453,900
Baker	182,507
Bay	3,580,248
Bradford	956,169
Brevard	2,888,143
Broward	70,794,468
Calhoun	186,733
Charlotte	3,004,891

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Citrus	2,796,323
Clay	680,231
Collier	7,351,304
Columbia	346,140
De Soto	947,820
Dixie	56,755
Duval	0
Escambia	5,385,094
Flagler	2,778,569
Franklin	61,132
Gadsden	638,363
Gilchrist	3,638
Glades	7,275
Gulf	176,051
Hamilton	79,147
Hardee	310,271
Hendry	396,617
Hernando	525,546
Highlands	0
Hillsborough	32,671,397
Holmes	0
Indian River	832,619
Jackson	572,384
Jefferson	202,650
Lafayette	44,874
Lake	4,662,535
Lee	11,322,902
Leon	6,180,320
Levy	0
Liberty	14,545
Madison	0
Manatee	6,533,602
Marion	3,058,525
Martin	2,340,145
Miami-Dade	104,372,813
Monroe	782,950
Nassau	349,167
Okaloosa	2,606,210
Okeechobee	0
Orange	36,116,677
Osceola	4,698,621
Palm Beach	15,734,157
Pasco	3,676,653
Pinellas	27,556,330
Polk	11,863,758
Putnam	408,766
St. Johns	6,265,704
St. Lucie	0
Santa Rosa	1,856,813
Sarasota	10,671,530
Seminole	0
Sumter	222,068
Suwannee	1,046,594
Taylor	1,373,484
Union	174,016
Volusia	0
Wakulla	283,679
Walton	90,391
Washington	3,496,204
Washington Special	10,136

From the funds provided in Specific Appropriation 171, $314,826,452 is provided for Community College Workforce Development programs and shall be allocated as follows:

Brevard CC	11,975,539
Broward CC	18,048,480
Central Florida	7,543,640
Chipola	3,139,924
Daytona Beach	20,317,195
Edison	4,563,685
Florida CC at Jax	38,576,051
Florida Keys	2,042,179
Gulf Coast	6,217,425

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Hillsborough CC	11,097,530
Indian River CC	19,720,823
Lake City	6,996,787
Lake-Sumter CC	1,602,787
Manatee CC	4,708,542
Miami-Dade CC	32,775,861
North Florida	2,423,179
Okaloosa-Walton CC	4,727,729
Palm Beach CC	22,643,951
Pasco-Hernando CC	6,384,985
Pensacola	14,330,761
Polk CC	4,954,574
St. Johns CC	2,808,674
St. Petersburg	14,652,944
Santa Fe	12,574,520
Seminole CC	16,402,556
South Florida	7,479,173
Tallahassee	4,139,884
Valencia	11,977,072

From the funds in Specific Appropriation 171, the Workforce Development Education Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to respond to emerging local and statewide economic development needs by providing workforce development programs.

Performance Measures - Outcomes	FY 2001-2002 Standards
Number and percent of vocational certificate program completers who left the program and are found placed according to the following definitions:	
Level III - Completed a program identified as high-wage /high-skill on the Occupational Forecasting List and found employed at $4,680 per quarter or more	10,487; 33.4%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

TOTAL: PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 728,425,297

TOTAL ALL FUNDS 728,425,297

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

172	SALARIES AND BENEFITS POSITIONS 52		
	FROM GENERAL REVENUE FUND	3,188,818	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		207,572
173	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	57,282	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		24,600
174	EXPENSES		
	FROM GENERAL REVENUE FUND	843,813	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,141
175	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	74,295	
176	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	14,494	

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176A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 425,000

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 4,603,702
FROM TRUST FUNDS 247,313

TOTAL POSITIONS 52
TOTAL ALL FUNDS 4,851,015

PROGRAM: COMMUNITY COLLEGE PROGRAMS

177 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 8,318,834

Funds in Specific Appropriation 177 are provided as performance incentive awards, and shall be allocated as follows:

Brevard	412,667
Broward	585,595
Central Florida	169,684
Chipola	64,414
Daytona Beach	274,482
Edison	232,656
Florida CC at Jacksonville	566,191
Florida Keys	22,967
Gulf Coast	146,315
Hillsborough	385,801
Indian River	219,855
Lake City	53,832
Lake-Sumter	58,451
Manatee	202,706
Miami-Dade	1,099,182
North Florida	32,132
Okaloosa-Walton	201,703
Palm Beach	471,543
Pasco-Hernando	132,993
Pensacola	272,072
Polk	162,102
St. Johns	126,936
St. Petersburg	581,024
Santa Fe	418,424
Seminole	180,058
South Florida	64,834
Tallahassee	402,438
Valencia	777,777

178 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 456,452,882

From the funds in Specific Appropriations 9, 177, and 178, the Community Colleges will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of students graduating with total accumulated credit hours that are less than or equal to 120% of the degree requirement	36%
Of the AA students completing 18 credit hours, the percent which graduate within 4 years	36%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

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The sum of the technology fee and the average resident matriculation fee specified in s. 240.35(6), Florida Statutes, are hereby established for 2001-2002 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 39.09
Postsecondary Vocational	39.09
College Preparatory	39.09

The sum of the technology fee and the average nonresident matriculation and tuition fees specified in s. 240.35(7), Florida Statutes, are hereby established for 2001-2002 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$117.32
Postsecondary Vocational	117.32
College Preparatory	117.32

For 2001-2002, no community college board of trustees shall be required to reduce the sum of the technology fee and the matriculation fee from the sum of these fees established in 2000-2001.

The Division of Community Colleges shall maintain a policy regarding office hours during which instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 178 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 178 shall be allocated as follows:

Brevard	19,371,383
Broward	33,959,982
Central Florida	6,781,389
Chipola	4,450,095
Daytona Beach	16,792,210
Edison	14,010,621
Florida CC at Jacksonville	27,222,653
Florida Keys	2,886,837
Gulf Coast	7,729,545
Hillsborough	26,284,880
Indian River	13,911,053
Lake City	3,503,592
Lake-Sumter	5,196,622
Manatee	10,788,575
Miami-Dade	87,268,229
North Florida	2,600,347
Okaloosa-Walton	8,339,374
Palm Beach	20,897,878
Pasco-Hernando	6,188,997
Pensacola	15,716,825
Polk	7,971,364
St. Johns River	7,755,380
St. Petersburg	28,195,509
Santa Fe	14,748,046
Seminole	9,394,822
South Florida	2,965,989
Tallahassee	17,425,918
Valencia	34,094,767

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO & DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs

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or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, continuing workforce education, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 2001-2002 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 178 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 178 contemplate that, except for the CO & DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, college preparatory, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for the CO & DS instructional unit calculation, a full-time equivalent enrollment in the vocational preparatory program, postsecondary adult and continuing workforce education and adult vocational education programs shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

179A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIGH DEMAND - RETURN ON INVESTMENT
FROM GENERAL REVENUE FUND 10,000,000

Funds in Specific Appropriation 179A are to be spent for one-time costs associated with the development and expansion of degree programs targeted on those high demand occupations which meet the criteria of the February, 2001 Workforce Estimating Conference and which provide a high return on investment to the local economy.

Brevard	405,519
Broward	941,685
Central Florida	201,317
Chipola	54,713
Daytona Beach	456,842
Edison	256,490
Fla. CC @ Jax	749,579
Florida Keys	98,887
Gulf Coast	218,620
Hillsborough	501,205
Indian River	443,142
Lake City	161,146
Lake-Sumter	85,448
Manatee	241,830
Miami-Dade	1,378,373
North Florida	14,220
Okaloosa-Walton	164,405
Palm Beach	452,613
Pasco-Hernando	230,151
Pensacola	445,432
Polk	185,472
St. Johns River	57,701
St. Petersburg	688,017
Santa Fe	518,077
Seminole	247,301
South Florida	68,476
Tallahassee	151,864
Valencia	581,475

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180 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 7,046,772

Funds in Specific Appropriation 180 shall be allocated to the individual colleges based upon eligible private contributions received and reported as of February 16, 2001 for the Dr. Philip Benjamin Academic Improvement Program and the Health Care Education Quality Enhancement Program.

180A SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 8,803,228

Funds in Specific Appropriation 180A shall be allocated to the colleges as follows:

Broward	2,711,928
Central Florida	250,000
Daytona Beach	250,000
Edison	50,000
Florida Keys	250,000
Indian River	200,000
Lake-Sumter	442,000
St. Johns River	510,000
St. Petersburg	4,000,000
Seminole	64,300
South Florida	75,000

181 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 6,442,582

182 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 450,000

183 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 2,677,000

From the funds in Specific Appropriation 183, $2,327,000 is provided for the continued development of the Florida Academic Counseling and Tracking System for Students (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 6) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support. An annual progress report shall be jointly submitted by the Board of Regents and the State Board of Community Colleges or their successor to the Governor, President of the Senate and Speaker of the House of Representatives. These two boards shall jointly develop a proposed budget for Fiscal Year 2002-2003, which is to be reflected in their respective legislative budget requests.

Funds in Specific Appropriation 183 provided for the Student Academic Advising and Tracking System (FACTS) are recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes. From the funds in Specific Appropriation 183 for FACTS, $100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

$350,000 of the funds in Specific Appropriation 183 are provided for the Distance Learning Consortium operations.

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184 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 100,000

184A SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI BOOK FAIR
FROM GENERAL REVENUE FUND 200,000

184B SPECIAL CATEGORIES
GRANTS AND AID - LAKE-SUMTER TECHNOLOGY
FROM GENERAL REVENUE FUND 250,000

185 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

186 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 175,000

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 500,946,298

TOTAL ALL FUNDS 500,946,298

PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION

The funds in Specific Appropriations 187 through 191 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, including the following specific assignments:

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents or their successors shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, advance through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Governor, Legislature and the State Board of Education by May 31, 2002.

The Postsecondary Education Planning Commission, in consultation with the State Board of Community Colleges, the Department of Education and the Board of Regents or their successors shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, the following reports:

1. By December 1, 2001, the results of a detailed review that compares the costs of Workforce Development Education programs to the reimbursement received through the workforce formula. The report shall identify changes that are needed to ensure that high cost programs that meet priority workforce needs receive appropriate incentives. Specific recommendations for data collection, including definitions and data collection procedures, specific adjustments to formula calculations, and a timetable for implementation beginning with the 2002-2003 Fiscal Year shall be included in the report.

2. By December 1, 2001, the results of an evaluation of issues related to the productivity of faculty and other instructional positions and the impact on resource allocation at each university. The analysis shall include, but not be limited to:

(a) The use of resources budgeted for faculty positions for regular faculty, part-time faculty, graduate assistants and other purposes.
(b) An identification of the fiscal impact of the conversion of funds from the Salaries and Benefits expenditure category to the Other Personal Services expenditure category to support non-faculty instructional positions.

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(c) An identification of the average number of courses taught, the average and median class size of these courses, and the number of student credit hours produced by level per faculty member and other instructional teaching positions.
(d) Purposes and outcomes of non-teaching assignments.
(e) An identification of the percent of lower level and upper level courses taught by faculty, by rank, and for other instructional positions, by type.
(f) Alternative approaches used in other states to address and to increase faculty productivity.
(g) An analysis of longitudinal trends in the productivity of faculty and other instructional positions.
(h) Additional information needed to support the zero-based budgeting process.

3. By February 15, 2002, the results of a review of the roles of school districts and community colleges in registered apprenticeship programs and their responsibilites related to program quality and student achievement in basic and technical skills. The review will address the relationship of the number of hours of classroom instruction to on-the-job training; the demographic characteristics of the participants in the programs; the completion rate and average time to completion in the programs; and recommendations related to provisions for the start-up of new apprenticeship programs. The review will address the fiscal advantages and disadvantages of continuing to exempt matriculation and fees for registered apprentices and the impact of the apprenticeship programs on the Workforce Development Education Fund.

4. By December 1, 2001, an evaluation of the cost, benefits, and continued need for state appropriations to match private donations to community colleges and state universities. The evaluation shall consider but not be limited to:

(a) The net returns on the investment of endowments after subtracting the cost to the institution of supporting the foundation from institutional operating funds, and the overhead cost assessed to the endowment accounts by foundations, the portion of the return on investments that must be reinvested to maintain the corpus of the endowment.

(b) The degree to which the donor-driven allocation of funds through the matching process responds to the mission of the institution and the priorities of the state.

(c) A comparison of the benefits derived from the total cumulative expenditures on these programs to benefits which could be expected from alternative investments such as equipping state of the art scientific labs.

(d) An analysis of the use of the proceeds from the endowments.

(e) An analysis of the number and type of endowments by program area.

If the evaluation concludes that the donation matching programs should be continued, the report shall include recommendations for improved accountability for the use of earnings from endowments that include state matching and a method for prioritization of state matching funds.

5. By December 1, 2001, an evaluation of the program offerings at branch campuses. The report shall describe the courses and complete degree programs available prior to the 1999-2000 fiscal year. The report shall then evaluate the utilization of funds specifically provided for the expansion of programs at university branch campuses and centers beginning with the 1999-2000 fiscal year. The report shall include a description of the new courses and programs implemented and planned for implementation, a description of when funds were provided, the amount of funding provided, the date upon which new programs were initiated, the date upon which courses began to be offered, the date upon which a degree program could be completed at the branch campus and the growth in enrollment related to each program beginning with 1998-1999 and projected out through 2003-2004.

187 SALARIES AND BENEFITS POSITIONS 16
FROM GENERAL REVENUE FUND 1,176,110

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188 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 51,901

189 EXPENSES
FROM GENERAL REVENUE FUND 204,831

190 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,680

191 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 74,499

192 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 818

TOTAL: PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION
FROM GENERAL REVENUE FUND 1,536,839

TOTAL POSITIONS 16
TOTAL ALL FUNDS 1,536,839

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

193 LUMP SUM
I-4 CORRIDOR/HIGH TECHNOLOGY RESEARCH
FROM GENERAL REVENUE FUND 5,800,000

From the funds in Specific Appropriation 193, $5,800,000 from the General Revenue Fund is provided to the University of Central Florida, the University of South Florida, and other participating SUS Universities for refund matching for Lucent Technologies - Bell Laboratories, or other qualifying industries, and shall be released only after certification to the Office of Tourism, Trade and Economic Development that requirement of s.212.08 (5) (j) 6, Florida Statutes, have been met by the certified business entity.

194 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1260,438,169
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 464,127,290
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 587,293
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,872,909
FROM PHOSPHATE RESEARCH TRUST FUND 6,281,720

Funds in Specific Appropriations 194 through 199 contemplate that the matriculation and tuition fees collected for Summer Term 2002 enrollments shall not be expended during the 2001-2002 Fiscal Year.

From the funds in Specific Appropriations 10 through 13 and 194 through 199A, the salary rate shall be consistent with the total combined rate included in the legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 194 through 209, no appropriated funds shall be used to promote litigation, for any centers and institutes.

The funds in Specific Appropriation 194, 195, 196, and 197 include $55,241,209 for fee waivers.

From the funds in specific appropriation 194, the University of Florida and Florida State University shall work with FAMU to explore methods of addressing FAMU student articulation to the University of Florida and the Florida State University Medical Schools. A report shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001 that reflects findings and recommendations regarding methods for providing and increasing articulation.

From the funds in Specific Appropriation 10 through 13 and 194 through 209, the State University System will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to transmit knowledge, skills and competencies which allow eligible individuals to become practicing professionals or to pursue further academic endeavors:

Performance Measures - Outcomes	FY 2001-2002 Standards
Graduation Rate for First Time in College (FTIC) students, using a six-year rate	61%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

Funds in Specific Appropriations 194 and 198 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level..... 53,495
Upper Level..... 69,940
Graduate..... 25,375
Total..... 148,810

Funding shall be allocated to each university based upon the following full-time equivalent (FTE) enrollment:

University of Florida;
Lower Level..... 10,996
Upper Level..... 12,671
Graduate..... 7,574
Total..... 31,241

Florida State University;
Lower Level..... 8,983
Upper Level..... 9,993
Graduate..... 4,536
Total..... 23,512

Florida Agricultural & Mechanical University;
Lower Level..... 4,123
Upper Level..... 3,471
Graduate..... 879
Total..... 8,473

University of South Florida;
Lower Level..... 6,394
Upper Level..... 9,793
Graduate..... 3,320
Total..... 19,507

Florida Atlantic University;
Lower Level..... 3,594
Upper Level..... 6,641
Graduate..... 1,745
Total..... 11,980

University of West Florida;
Lower..... 1,663
Upper Level..... 2,561
Graduate..... 687
Total..... 4,911

University of Central Florida
Lower Level..... 7,412

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Upper Level	10,728
Graduate	2,490
Total	20,630
Florida International University;	
Lower Level	6,594
Upper Level	9,344
Graduate	2,976
Total	18,914
University of North Florida;	
Lower Level	3,056
Upper Level	3,583
Graduate	802
Total	7,441
Florida Gulf Coast University;	
Lower Level	681
Upper Level	1,155
Graduate	366
Total	2,202

Enrollment funds are based upon the following system-wide average funding per student:

1) Lower level - $6,952
2) Upper Level - $10,429
3) Graduate I Level - $15,875
4) Graduate II Level - $24,222

From the funds provided in Specific Appropriations 194 and 196, excluding medical professional headcount, each university may shift enrollment by level in a manner which is revenue neutral, but shall not increase the number of lower level FTEs above the funded enrollment plan.

By May 1, 2002, the Commissioner of Education shall provide to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor a comparison of actual enrollment for Final Summer 2001, Final Fall 2001, and Preliminary Spring 2002 to funded enrollment by level. Both the General Revenue and student fee revenue for FTE enrollment for any university, excluding FGCU and medical professional headcount, that is more than 2% under the funded enrollment by level by May 1 shall be redirected by the State Board of Education to areas of the State University System in which demand for courses exceeds the funded enrollment. The Commissioner of Education shall adjust the funded enrollment plan for FTEs associated with this provision and report the FTEs to the fiscal committees of the Senate and the House of Representatives, and the Governor's Office of Policy and Budget.

In the event the actual enrollment for any university exceeds the planned enrollment, resulting in larger student fee collections than anticipated, the Executive Office of the Governor may authorize an increase in spending authority from the Educational & General Student Fees Trust Fund for the purpose of supporting additional students.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive the General Revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Commissioner of Education shall segregate these FTEs and not count them toward the 2001-2002 enrollment plan for the State University System. The Board of Regents may submit a budget amendment requesting student fee trust authority for the student fee revenue associated with the out-of-state students admitted under this policy.

Funds provided in Specific Appropriations 194, 196, 197, 198 and 199 include a 7.5% tuition increase for in-state and out-of-state students.

Specific Appropriation 194 includes a General Revenue funding increase above the recurring FY 2000/01 appropriation for the following purposes:

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Nanoscience and Technology - UCF	2,500,000
Information Science & Technology - UCF	2,500,000
High Technology Corridor Workforce Partnerships - UCF/USF	1,000,000
Space Partnership - UF/UCF	1,000,000
Biomedical Research - FAU	1,000,000
Hospitality and Entertainment Industry Academic Enhancement - UCF	1,375,000
Center for Advanced Power Systems - FSU	500,000
Institute of Technology - FIU	2,000,000
FAMU Law School	2,500,000
FIU Law School	2,500,000
Chiropractic Medicine - FSU	1,000,000
Infant & Child Development Center - USF	550,000
Haas Center for Business Research - UWF	350,000
Institute for Human and Machine Cognition - UWF	500,000
Internet Coast - FAU	150,000
Harbor Branch Marine Science - FAU	950,000
Florida Campus Compact	133,111
Ports Matching - USF	150,000
Urban Policy Institute - FAMU	250,000
Operating costs for new facilities	7,410,188
Education Governance transition costs	2,355,310

In addition, $991,612 is provided for Education Governance transition costs from trust funds.

Funds in Specific Appropriation 194 include $75,000 for the University of Central Florida to develop a feasibility study and implementation plan for a teacher preparation program which is based on three years of classroom instruction and one year of in-service teaching. During the fourth year in this program, students who have passed the CLAST shall be hired by participating school districts, shall work under a temporary teaching certificate, and shall receive credit for courses that include methods, ethics, and recognizing and meeting individual needs. During the in-service training component of this program, students shall work under mentor teachers who shall be considered adjunct faculty of the University which awards the degree. The University of Central Florida shall work in cooperation with the University of South Florida and the University of North Florida on this project. The University of Central Florida shall submit the results of this study and the implementation plan to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2001.

Funds in Specific Appropriation 194 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Funds provided in Specific Appropriation 194 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 194 for the Black Male Explorers Program, FAMU may advance funds to Bethune Cookman College, Florida Memorial College and Edward Waters College on a semiannual basis.

No funds provided in Specific Appropriation 194 may be used to implement new Programs in Medical Sciences (PIMS) or the equivalent without specific legislative authorization.

From the funds provided in Specific Appropriation 194, $150,000 from the General Revenue Fund shall be transferred to the Postsecondary Education Planning Commission, or its successor organization, to fund a study of faculty productivity and contracted studies.

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195 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS

FROM GENERAL REVENUE FUND	109,495,130	
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		3,419,042
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,088,459
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		4,276,475
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		1,295,560

From the funds in Specific Appropriation 195 and any other funds available to the State University System, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; provided, however, that funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and cleanup activities may continue to be spent for that purpose.

Specific Appropriation 195 includes a General Revenue funding increase above the recurring FY 2000-2001 appropriation for the following purposes:

Operating costs for new facilities	480,128
North Florida Research and Education Center equipment upgrades relating to the beef and forage industries	200,000
I-4 Corridor - Hillsborough Community College Plant City	400,000
Northwest Orange County Education and Business Center - Apopka	100,000

196 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS

FROM GENERAL REVENUE FUND	48,633,281	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		8,359,553

Specific Appropriation 196 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation for the following purposes:

Enrollment Growth	359,496
Family Practice Center-USF	500,000

Funds in Specific Appropriation 196 are based upon the following total full-time equivalent enrollment:

Lower Level	54
Upper Level	239
Graduate	569
M.D.	401

197 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS

FROM GENERAL REVENUE FUND	82,283,264	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		10,911,623
FROM INCIDENTAL TRUST FUND		12,480,273
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND		7,671,808

Specific Appropriation 197 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation of $21,772 for operating costs for new facilities.

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Funds in Specific Appropriation 197 are based upon the following total full-time equivalent enrollment:

Dentistry	330
Vet. Medicine	317
M.D.	440

198 LUMP SUM
LUMP SUM - OPERATION OF BRANCH CAMPUSES AND CENTERS

FROM GENERAL REVENUE FUND	100,664,782	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		36,959,300

From the funds in Specific Appropriation 198, an increase of $10,500,000 is provided as start-up funding to increase the number of courses and/or to provide for the offering of additional full degree programs for the purpose of increasing access to baccalaureate degrees on the branch campuses and centers. These funds are to be allocated as follows to the branch campus/center in the counties as listed:

Bay	486,000
Brevard	1,435,000
Pinellas	2,436,000
Polk	1,324,000
Indian River/St. Lucie/Martin/Northern Palm Beach	1,096,000
Sarasota/Manatee	677,500
Volusia	1,229,000
Okaloosa	639,000
New College	1,177,500

The Florida Board of Education or the State Board of Education shall certify to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor the increase in the number of full degree programs to be offered. These funds, and all enrollments for the Branch Campuses supported through this Specific Appropriation, are not subject to the corridor adjustment.

From the funds in Specific Appropriation 198,each university shall prepare and administer a separate operating budget for each branch campus and center. At a minimum, such budget shall reflect the actual funding available for each branch campus or center for FY 2000-2001, all increases provided by the 2001 Legislature and all funds generated locally, including concession funds, local fees, and research overhead. These budgets shall be submitted to the State Board of Education for approval.

The FTE students funded from specific appropriation 198 shall be excluded from the funded enrollment plan when making enrollment comparisons. A budget amendment may be submitted to the Executive Office of the Governor requesting student fee trust fund authority for the student fee revenue associated with the FTE generated from these funds.

Contingent upon Senate Bill 2108, Senate Bill 986 or similar legislation authorizing the establishment of New College as an independent institution becoming law, the funds provided for New College in Specific Appropriation 198 shall be transferred to Specific Appropriation 194 for New College. These funds include scholarship funding, the direct costs, indirect costs and fifty percent of the shared costs as reported to the Legislature by the University of South Florida. With these funds, New College may contract with the University of South Florida for certain central services that are currently provided by USF or those that can be more economically provided by USF. Release of funds to New College and the University of South Florida Sarasota/Manatee is contingent upon the signing of a management agreement by the President/Dean and Warden of New College and the President of the University of South Florida specifying the services to be provided by each university. In addition, the $1,177,500 in new funding appropriated for New College in Specific Appropriation 198 shall also be transferred.

199 LUMP SUM
FLORIDA STATE UNIVERSITY MEDICAL SCHOOL

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FROM GENERAL REVENUE FUND	15,657,796	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		305,045

Specific Appropriation 199 includes an increase above the recurring FY 2000-2001 appropriation of $3,872,169 in General Revenue and $305,045 in student fees for FSU Medical School.

Funds in Specific Appropriation 199 are based upon the following full-time equivalent (FTE) enrollment:

M.D..... 30

199A LUMP SUM
COLLEGE AND UNIVERSITY CENTERS
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 199A are for the purpose of increasing access to baccalaureate degree programs through the use of community colleges as specified in SB 1190, SB 1636, SB 2108 or similar legislation. From these funds, $1,000,000 shall be transferred to St. Petersburg Community College/St. Petersburg College to begin the development of programs and $5,000,000 is for Targeted Baccalaureate Degrees for other colleges.

201 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 11,135,170

From the funds in Specific Appropriation 201, $11,135,170 may be transferred to the Agency for Health Care Administration; however, such transfer is contingent upon the Agency assuring that the participating hospital's benefit equals or exceeds these funds.

202 SPECIAL CATEGORIES
CHALLENGE GRANTS

FROM GENERAL REVENUE FUND	11,562,632	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		6,663,165
FROM MAJOR GIFTS TRUST FUND		17,007,214

Funds in Specific Appropriation 202 shall be used to match private donations to the State University System for projects that are consistent with the mission of the university as defined by the current strategic plan.

204 SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR THE FLORIDA ACADEMIC COUNSELING AND TRACKING SYSTEM FOR STUDENTS (FACTS)
FROM GENERAL REVENUE FUND 2,327,000

The funds in Specific Appropriation 204 are provided for the continued development of the Florida Academic Counseling and Tracking System (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 6) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support.

Funds in Specific Appropriation 204 are provided for the Student Academic Advising and Tracking System (FACTS) which is recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes.

From the funds in Specific Appropriation 204, $100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

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205 SPECIAL CATEGORIES LIBRARY RESOURCES		
FROM GENERAL REVENUE FUND	37,231,712	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		6,663,166
206 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,488,171	
FROM PHOSPHATE RESEARCH TRUST FUND		1,305
207 SPECIAL CATEGORIES STUDENT FINANCIAL AID		
FROM GENERAL REVENUE FUND	20,695,215	

A minimum of 71% of the funds provided in Specific Appropriation 207 shall be allocated for need-based financial aid.

208A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - STATE EMPLOYEE EDUCATION VOUCHERS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 208A include $500,000 for the State Employee Education Voucher program for the purpose of paying the matriculation fees for state employees to attend public postsecondary education institutions in the state. These funds shall be transferred to the Department of Management Services. The Department shall develop procedures for administering the program.

209 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,317,055

Specific Appropriation 209 includes funding for the minority law scholarships, of which up to 10% may be used to support administrative costs of the MPLE program.

210 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 714,794

212 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY ENHANCEMENT CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 30,941,120

Funds are provided in Specific Appropriation 212 for the following projects:

FAMU	
Journalism Building Supplement (p,c,e).....	540,000
FAU	
College of Nursing /Education & Research (p,c,e).....	1,500,000
FGCU	
Student Support Center (p,c,e).....	1,095,000
FIU	
Art Museum (c,e).....	725,772
FSU	
Tibbals Learning Center (p,c,e).....	4,500,274
Concert Hall (p).....	2,125,000
Ringling Ca'd'zan Renovation.....	894,275
UCF	
School of Hospitality Management (s,p,c,e).....	13,000,000
UF	
Lepidoptera Facility (p,c,e).....	4,200,000
UNF	
Fine Arts Complex - Phase I (c,e).....	576,303
USF	
Engineering Building III Enhancement (p,c,e).....	500,000
UWF	
International House Village/Classroom Facility (p,c,e).....	1,284,496

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A portion of the funds appropriated within Specific Appropriation 212 for the UCF Hospitality Management project may be expended to match private funds expended by the UCF Foundation, during FY 2000-2001 or thereafter, to acquire a site for the project.

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES		
FROM GENERAL REVENUE FUND	1758,885,291	
FROM TRUST FUNDS		590,971,200
TOTAL ALL FUNDS		2349,856,491

BOARD OF REGENTS GENERAL OFFICE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

214 SALARIES AND BENEFITS POSITIONS	101	
FROM GENERAL REVENUE FUND	5,536,062	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		537,712
FROM OPERATIONS AND MAINTENANCE TRUST FUND		489,559
215 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	585,802	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND		70,500
216 EXPENSES		
FROM GENERAL REVENUE FUND	1,559,765	
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .		11,700
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		110,368
FROM OPERATIONS AND MAINTENANCE TRUST FUND		577,899
217 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	98,275	
218 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	80,083	
218A FIXED CAPITAL OUTLAY		
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS		
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .		73,099,797

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 218A :

UF	
O'Connell Center Roof Replacement & Fac Capital Renewal...	1,500,000
Reitz Union Ballroom & Capital Renewal Projects (including reimbursement to Auxiliary Trust Fund).....	2,000,000
New Bookstore w/ attached parking & Visitor/Welcome Center	6,300,000
Development & Upgrade of Active and Passive Rec Fac.....	1,700,000
Campus Security Lighting.....	980,330
FSU	
Student Life Bldg - reimbursement to Auxiliary Trust Fund.	776,000
Outdoor Improvements - Campus Rec & Student Activities....	350,000
Student Services & Parking Improvements.....	5,100,000
Oglesby Student Union Renovations.....	2,470,096
Enhancement to Gray House, Panama City Campus.....	60,000
FAMU	
Recreation Center - Phase 1.....	8,529,352
USF	
Sun Dome Roof Replacement (reimburse Auxiliary Trust Fund)	3,833,242
Athletic Training Center - Tampa.....	973,725
Marshall Center Remodeling - Tampa.....	1,505,663
Upgrade & Expand Recreational Facilities - Tampa.....	325,000
Student Activity/Recreation & Campus Central Core	

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Enhancements - St. Petersburg.....	505,922
Student Recreational/Support Facilities Imp. New College..	228,198
Student Recreational/Support Fac Imp. - Sarasota/Manatee..	229,158
Student Outdoor Fac & Interior Space Imp - Lakeland.....	153,980
FAU	
Parking Structure - Boca.....	2,158,980
University Center Renovations - Boca.....	985,000
All Night Study Area, Library - Boca.....	1,010,166
Career Development Center Renovation - Boca.....	38,000
Recreational Facilities Enhancement - Boca.....	160,000
Slattery Center Addition - Boca.....	804,200
Student Activities Center Planning - Davie (P).....	210,000
Student Activities Center Space Imp. - Broward Downtown, Commercial Campus & Davie.....	210,000
Student Services Remodel - MacArthur.....	20,263
Enhance Recreational Areas - MacArthur & Treasure Coast...	344,636
Site Improvements - MacArthur.....	30,000
Expansion of Commons Dining Hall at MacArthur Campus.....	497,000
Student Services Remodel - Treasure Coast.....	90,000
UWF	
Remove/Replace 1/2 Fieldhouse Bleachers - Reimbursement...	450,000
Resurface Track/Drainage Erosion Control- Reinbursement...	459,450
Outdoor Rec Areas at Residence Halls, Village Campus Green	15,000
Recreational Field Improvements.....	320,000
Ren Fieldhouse for Intercollegiate Athletics/Recreation...	552,988
UCF	
Remodel Student Resource Center.....	3,977,933
Recreational Services Outdoor Pool.....	2,898,544
Student Union Additional Buildout.....	2,000,000
Intercollegiate Athletic Complex Building.....	2,000,000
Tennis Center.....	750,000
Daytona Bch & Brevard Campuses Rem of Stu. Services Areas.	100,000
FIU	
Recreation Center - Phase I.....	8,983,721
Wolfe Center Renovations and Expansion.....	1,700,000
Womens Shower Locker Facility.....	200,000
UNF	
Track Soccer Stadium, including reimburse Auxiliary TF....	4,154,980
FGCU	
Playfields.....	458,270

$3,934,372 of the funds appropriated for the FAMU Recreation Center project are contingent upon reversion of the FAMU Recreation Center project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

Funds provided for the FAU Expansion of Commons Dining Hall - MacArthur Campus are contingent upon reversion of the FAU Wellness Center Expansion project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

Funds provided for the FIU Wolfe University Center Renovations and Expansion project and the FIU Womens Shower Locker Facility project are contingent upon reversion of the FIU Student Alumni House project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.

218B FIXED CAPITAL OUTLAY		
DEBT SERVICE		
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .		19,500,000
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	7,859,987	
FROM TRUST FUNDS		94,434,442
TOTAL POSITIONS	101	
TOTAL ALL FUNDS		102,294,429

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TOTAL OF SECTION 2	POSITIONS 2,058	
FROM GENERAL REVENUE FUND	10890,725,198	
FROM TRUST FUNDS		4092,870,114
TOTAL ALL FUNDS		14983,595,312

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

219	SALARIES AND BENEFITS	POSITIONS 303	
	FROM GENERAL REVENUE FUND	2,468,909	
	FROM HEALTH CARE TRUST FUND		9,669,132
	FROM ADMINISTRATIVE TRUST FUND		2,306,812
	FROM TOBACCO SETTLEMENT TRUST FUND		18,921
220	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	173,917	
	FROM HEALTH CARE TRUST FUND		393,357
	FROM ADMINISTRATIVE TRUST FUND		331,681
221	EXPENSES		
	FROM GENERAL REVENUE FUND	951,780	
	FROM HEALTH CARE TRUST FUND		3,836,028
	FROM ADMINISTRATIVE TRUST FUND		1,165,898
	FROM TOBACCO SETTLEMENT TRUST FUND		10,903
222	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	200,356	
	FROM HEALTH CARE TRUST FUND		157,811
	FROM ADMINISTRATIVE TRUST FUND		716,471
	FROM TOBACCO SETTLEMENT TRUST FUND		106,260
223	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	14,053	
	FROM HEALTH CARE TRUST FUND		97,041
	FROM ADMINISTRATIVE TRUST FUND		14,054
223A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM HEALTH CARE TRUST FUND		390,603
	FROM ADMINISTRATIVE TRUST FUND		23,840
TOTAL:	PROGRAM: ADMINISTRATION AND SUPPORT		
	FROM GENERAL REVENUE FUND	3,809,015	
	FROM TRUST FUNDS		19,238,812
	TOTAL POSITIONS	303	
	TOTAL ALL FUNDS		23,047,827

PROGRAM: HEALTH CARE SERVICES

From the funds in Specific Appropriation 225 through 290, the Health Care Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of hospitalizations for conditions preventable by good ambulatory care - KidCare	7.3%
2. Percent of hospitalizations that are preventable by good ambulatory care - Medicaid	12.0%

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

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CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 225, 227, 228, and 229 are provided to operate the Florida KidCare Program. The Office of the Governor may authorize movement of these resources between programs or agencies based on consensus estimates of the Social Services Estimating Conference and pursuant to Chapter 216, Florida Statutes. The agency, in cooperation with the Department of Health and the Florida Healthy Kids Corporation, shall contract for an evaluation of the Florida KidCare Program and shall provide the evaluation questions and the data requisite for the required analyses.

225	EXPENSES	
	FROM TOBACCO SETTLEMENT TRUST FUND	704,548
	FROM MEDICAL CARE TRUST FUND	1,614,571
227	SPECIAL CATEGORIES	
	GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION	
	FROM TOBACCO SETTLEMENT TRUST FUND	75,419,651
	FROM MEDICAL CARE TRUST FUND	148,623,632

Funds in Specific Appropriation 227 are for the operation of the Florida Kidcare Program. The Tobacco Settlement Trust Funds are eligible to match the State Children's Health Insurance Program (Title XXI). The Florida Healthy Kids Corporation is authorized to use up to $13,500,000 from the Tobacco Settlement Trust Fund for health insurance coverage for state funded (non-Title XXI) eligible children. No local matching funds are required for FY 2001-02 for the KidCare program, however, the Florida Healthy Kids Corporation shall develop and implement a local match policy for the purpose of continuing and expanding coverage of uninsured children who do not meet the eligibility requirements of Title XXI. The Florida Healthy Kids Corporation shall replace local match from 2000-2001 funding.

228	SPECIAL CATEGORIES	
	MEDIKIDS	
	FROM TOBACCO SETTLEMENT TRUST FUND	8,170,634
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,803,834
	FROM MEDICAL CARE TRUST FUND	18,725,055
229	SPECIAL CATEGORIES	
	CHILDREN'S MEDICAL SERVICES NETWORK	
	FROM TOBACCO SETTLEMENT TRUST FUND	10,251,578
	FROM GRANTS AND DONATIONS TRUST FUND . . .	620,025
	FROM MEDICAL CARE TRUST FUND	23,486,697

From the funds in Specific Appropriation 229, the Agency for Health Care Administration and Department of Health shall design an Integrated Pediatric Care System for the area of the state covering the Department of Children and Family Services' Districts 1 and 2. This pilot program shall be a seamless managed health care system and include children who are eligible for Medicaid, Medikids and the CMS Network. The Agency for Health Care Administration and Department of Health shall submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than November 1, 2001.

TOTAL:	CHILDREN'S SPECIAL HEALTH CARE	
	FROM TRUST FUNDS	290,420,225

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TOTAL ALL FUNDS 290,420,225

EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Agency for Health Care Administration shall establish methods to improve the quality of care and the cost effectiveness of the MediPass program. The methods shall include, but are not limited to, the establishment of a pilot (or pilots) to test new approaches to better manage the access to and utilization of appropriate health care services. The Agency shall contract with physician owned and operated organizations which have experience in managing care for the Medicaid and Medicare programs, and at least one pilot shall utilize a predominantly minority-physician network, with a history of providing service to Medicaid populations. The Agency is authorized to develop a payment methodology which may include shared savings with contractors, but shall not increase spending relative to current appropriations. The Agency is authorized to seek federal waivers, if necessary, to implement these provisions.

230	SALARIES AND BENEFITS POSITIONS 693		
	FROM GENERAL REVENUE FUND	11,235,041	
	FROM HEALTH CARE TRUST FUND		300,600
	FROM ADMINISTRATIVE TRUST FUND		18,754,954
	FROM TOBACCO SETTLEMENT TRUST FUND		101,089
	FROM GRANTS AND DONATIONS TRUST FUND . . .		193,600

The Agency for Health Care Administration shall prepare quarterly reports detailing its implementation of the components of the Medicaid prescribed-drug spending control program as required by Chapter 2000-367, Laws of Florida. The format of the reports shall be prescribed by the Legislative Auditing Committee. The first report shall be due on or before September 30, 2001. These reports shall be provided to the Legislative Auditing Committee.

The Agency for Health Care Administration is authorized to contract the administration of drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a data base of rebate collections.

The Agency for Health Care Administration, in conjunction with the Department of Children and Family Services, shall conduct a study of fingerprint imaging and other recent technological developments to determine if any of the latest developments would aid the agency in improving program efficiencies or fraud and abuse detection and prevention efforts. The agency shall submit a report to the House and Senate by January 1, 2002.

The agency is authorized to seek federal Medicaid waivers or a state plan amendment from the Health Care Financing Administration to create a special Medicaid payment to increase reimbursement to Medicaid participating organ transplant facilities.

In order to maximize all available federal funds allowable by federal law to the state, the Agency for Health Care Administration is authorized to seek and receive, in compliance with Chapter 216, F.S., additional budget authority to implement the expansion of existing programs utilizing increased federal reimbursement programs. Such expansions may include a limited expanded Medicaid program for nursing home services utilizing the Medicaid upper payment limit options for governmental funded nursing homes. All such expansions shall be contingent upon the availability of state match from local sources that do not increase the current requirement for state General Revenue or Tobacco Settlement Trust Funds. The agency shall report to the Chairs of the Senate Appropriations Committee and the House Fiscal Responsibility Council on all proposed or expansions under this provision by March 1, 2002.

The agency shall contract for a study to review and make recommendations on the MediPass program. At a minimum, the contractor shall recommend MediPass cost control measures, improved management of the MediPass primary care physician network, develop and implement alternative managed care arrangements, improve access to primary and specialty care, and develop and implement information systems needed for management, analysis, and reporting purposes. The purpose of the study is to ensure that the Medicaid program fully realizes the programmatic and cost benefits of managed care while maintaining the MediPass option. The contract shall be funded from estimated savings to the Medicaid program. The report shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 31, 2002.

231	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	424,119	
	FROM HEALTH CARE TRUST FUND		237,668
	FROM ADMINISTRATIVE TRUST FUND		14,302,426
	FROM TOBACCO SETTLEMENT TRUST FUND		29,806
232	EXPENSES		
	FROM GENERAL REVENUE FUND	4,684,759	
	FROM HEALTH CARE TRUST FUND		22,114
	FROM ADMINISTRATIVE TRUST FUND		18,003,937
	FROM TOBACCO SETTLEMENT TRUST FUND		214,110
	FROM GRANTS AND DONATIONS TRUST FUND . . .		188,728

From the funds in Specific Appropriations 230 and 232, positions and associated funding relating to the Medicaid Third Party Liability Program may be restored if the bureau employees are the successful bidders in the Medicaid Third Party Liability Procurement.

From the funds in Specific Appropriation 232, $2,000,000 from the General Revenue Fund and $3,000,000 from the Administrative Trust Fund are provided to contract for a prior authorization and concurrent review program for hospital non-emergency admissions.

From the funds in Specific Appropriation 232, $500,000 from the General Revenue Fund is provided for the Autoimmune Center at the University of Florida.

From the funds in Specific Appropriation 232, $2,500,000 from the Administrative Trust Fund is provided to continue implementation of an advanced system for detecting Medicaid fraud and abuse.

The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, is authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. In addition, the task force shall review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities. The task force shall present its findings and recommendations to the Legislature no later than January 7, 2002.

From the funds in Specific Appropriation 232 the Agency for Health Care Administration shall contract with a consultant, which shall be a recognized not-for-profit 501(c) 3 organization, charged with the responsibility of providing hemophilia related cost containment and case management services to hemophiliacs currently on Medicaid. This contract shall be a contingent fee contract based on actual cost recoveries.

233	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,522	
	FROM ADMINISTRATIVE TRUST FUND		295,022
234	SPECIAL CATEGORIES		
	PHARMACEUTICAL EXPENSE ASSISTANCE		
	FROM TOBACCO SETTLEMENT TRUST FUND		30,250,000
235	SPECIAL CATEGORIES		
	COMMUNITY HOSPITAL EDUCATION PROGRAM		
	FROM ADMINISTRATIVE TRUST FUND		750,000

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236 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM

FROM GENERAL REVENUE FUND	656,779	
FROM ADMINISTRATIVE TRUST FUND		656,779

237 SPECIAL CATEGORIES
MEDICAID FISCAL CONTRACT

FROM GENERAL REVENUE FUND	19,818,805	
FROM ADMINISTRATIVE TRUST FUND		46,565,500
FROM TOBACCO SETTLEMENT TRUST FUND		298,196
FROM REFUGEE ASSISTANCE TRUST FUND		106,666

From the funds in Specific Appropriation 237, $890,625 from the General Revenue Fund and $8,015,625 from the Administrative Trust Fund are provided for the implementation of the Health Insurance Patient Portability and Accountability Act. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. From these funds, $178,125 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

238 SPECIAL CATEGORIES
MEDICAID PEER REVIEW

FROM GENERAL REVENUE FUND	950,000	
FROM ADMINISTRATIVE TRUST FUND		3,283,268

239 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	154,621	
FROM ADMINISTRATIVE TRUST FUND		154,622

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	37,984,646	
FROM TRUST FUNDS		134,709,085
TOTAL POSITIONS	693	
TOTAL ALL FUNDS		172,693,731

MEDICAID SERVICES TO INDIVIDUALS

242 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES

FROM GENERAL REVENUE FUND	13,721,034	
FROM TOBACCO SETTLEMENT TRUST FUND		2,000,000
FROM MEDICAL CARE TRUST FUND		20,377,783
FROM REFUGEE ASSISTANCE TRUST FUND		584,116

243 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER

FROM MEDICAL CARE TRUST FUND		5,561,111

244 SPECIAL CATEGORIES
CASE MANAGEMENT

FROM GENERAL REVENUE FUND	34,947,203	
FROM TOBACCO SETTLEMENT TRUST FUND		47,246
FROM MEDICAL CARE TRUST FUND		41,737,992
FROM REFUGEE ASSISTANCE TRUST FUND		12,911

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 244 results in state match requirements exceeding $13,000,000, the Department of Children and Family Services shall transfer General Revenue to cover the increased state match requirements from Specific Appropriation 400.

From the funds in Specific Appropriation 244, $6,456,573 from the General Revenue Fund is provided as state matching funds for the fee increase for specific behavioral health procedures that was implemented on April 1, 2000.

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The Agency for Health Care Administration is authorized to work with the Department of Children and Family Services and the local children's services councils to develop a targeted case management program for children who are victims of abuse and neglect or at risk of becoming victims of abuse and neglect in order to fully implement Specific Appropriation 244. This authority may be used both for seeking federal approval and for drawing down federal dollars by certifying the councils' funds as local match.

245 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	57,699,741	
FROM TOBACCO SETTLEMENT TRUST FUND		308,154
FROM MEDICAL CARE TRUST FUND		108,199,477
FROM REFUGEE ASSISTANCE TRUST FUND		53,250

From the funds in Specific Appropriation 245, $18,227,196 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

The funds in Specific Appropriation 245 reflect a reduction of $2,469,508 from the General Revenue Fund, $13,189 from the Tobacco Settlement Trust Fund, $4,630,862 from the Medical Care Trust Fund, and $2,279 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

246 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	23,579,145	
FROM MEDICAL CARE TRUST FUND		30,563,549
FROM REFUGEE ASSISTANCE TRUST FUND		232,325

The funds in Specific Appropriation 246 reflect a reduction of $1,241,007 from the General Revenue Fund, $1,608,613 from the Medical Care Trust Fund and $12,223 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

247 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C

FROM TOBACCO SETTLEMENT TRUST FUND		275
FROM MEDICAL CARE TRUST FUND		9,116,946
FROM REFUGEE ASSISTANCE TRUST FUND		501

Funds in Specific Appropriation 247 shall be contingent on the availability of state match being provided in Specific Appropriation 607.

248 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

FROM GENERAL REVENUE FUND	53,678,993	
FROM TOBACCO SETTLEMENT TRUST FUND		328,951
FROM MEDICAL CARE TRUST FUND		70,328,890
FROM REFUGEE ASSISTANCE TRUST FUND		359,612

249 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	2,372,635	
FROM TOBACCO SETTLEMENT TRUST FUND		500,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,751,302
FROM MEDICAL CARE TRUST FUND		8,929,372

Funds in Specific Appropriation 249 shall be used for a federally-matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in s. 409.9116, Florida Statutes. Specific Appropriation 249 also includes an appropriation of $471,487 from the Grants and Donations Trust Fund and $610,650 from the Medical Care Trust Fund for additional hospitals that qualify as rural hospitals on or after July 1, 1998. This

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additional appropriation of funds holds harmless those rural hospitals participating in the program prior to July 1, 1998 from incurring a reduction in payments in accordance with s. 409.9116 (7), Florida Statutes.

250 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	1,089,761	
FROM TOBACCO SETTLEMENT TRUST FUND		8,358
FROM MEDICAL CARE TRUST FUND		9,883,061
FROM REFUGEE ASSISTANCE TRUST FUND		31,084

251 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION

FROM GRANTS AND DONATIONS TRUST FUND . . .		8,600,001
FROM MEDICAL CARE TRUST FUND		11,138,353

Funds in Specific Appropriation 251 are provided for Disproportionate Share payments to statutory teaching hospitals, to be distributed in accordance with s. 409.9113, Florida Statutes. These funds reflect a fund shift of $5,888,862 from General Revenue to the Grants and Donations Trust Fund and are contingent upon receipt of county contributions.

252 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	35,314,503	
FROM TOBACCO SETTLEMENT TRUST FUND		3,226,868
FROM MEDICAL CARE TRUST FUND		49,928,630
FROM REFUGEE ASSISTANCE TRUST FUND		31,279

Funds in Specific Appropriation 252 reflect a reduction of $520,635 from the General Revenue Fund, $1,170 from the Tobacco Settlement Trust Fund, $736,952 from the Medical Care Trust Fund and $47,731 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for specific durable medical equipment products on a competitively bid basis, effective October 1, 2001.

From the funds in Specific Appropriation 252, $654,359 from the General Revenue Fund and $848,188 from the Medical Care Trust Fund is provided to increase fees for home health visits by licensed nurses by 11 percent and home health aide visits by 13 percent, effective January 1, 2002.

From the funds in Specific Appropriations 252, 253, 254, 257, 266, and 267 $1,194,213 from the General Revenue Fund and $2,721,237 from the Medical Care Trust Fund may be used to provide Medicaid coverage for individuals screened through the Florida Centers for Disease Control Breast and Cervical Early Detection program grant.

253 SPECIAL CATEGORIES
HOSPICE SERVICES

FROM GENERAL REVENUE FUND	32,212,197	
FROM TOBACCO SETTLEMENT TRUST FUND		9,390
FROM MEDICAL CARE TRUST FUND		41,821,487
FROM REFUGEE ASSISTANCE TRUST FUND		17,001

254 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES

FROM GENERAL REVENUE FUND	131,548,596	
FROM TOBACCO SETTLEMENT TRUST FUND		8,088,785
FROM GRANTS AND DONATIONS TRUST FUND . . .		364,912,599
FROM MEDICAL CARE TRUST FUND		1115,522,326
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		337,500,000
FROM REFUGEE ASSISTANCE TRUST FUND		1,853,919

From the funds in Specific Appropriation 254, $74,828,036 from the Grants and Donations Trust Fund and $96,914,072 from the Medical Care Trust Fund are appropriated for a Hospital Disproportionate Share Program, and shall be distributed in accordance with s. 409.911, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a prorata basis so that the total dollars distributed does not exceed the total amount appropriated. One-fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 2001-2002. These funds reflect an increase of $16,882,394 from the Grants and Donations Trust Fund and $21,865,355 from the Medical Care Trust Fund.

The funds in Specific Appropriations 254 and 257, relating to the Hospital Disproportionate Share program; eliminating both inpatient and outpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals; special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; making additional special Medicaid payments to qualifying hospitals; and hospitals qualifying for primary care disproportionate share payments, are contingent upon a fund shift of $45,000,000 from the General Revenue Fund to the Grants and Donations Trust Fund. These funds will be used to assist in funding the state share of expenditures for these appropriations.

In the event that the federal Health Care Financing Administration does not approve amendments to the Medicaid hospital inpatient reimbursement plan to implement the above special payments or to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

From the funds in Specific Appropriation 254, $24,849,338 from the Grants and Donations Trust Fund and $32,183,800 from the Medical Care Trust Fund is provided for the special Medicaid payments to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals. Statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program shall be paid $15,066,569 distributed in the same proportion as the Graduate Medical Education DSH payments. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid $15,066,569 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid $15,400,000. Of this amount, $6,000,000 shall be distributed equally between the hospitals which are a Level I trauma center; $6,000,000 shall be distributed equally between the hospitals which are either a Level II or Pediatric trauma center; $3,400,000 shall be distributed equally between the hospitals which are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid $11,500,000 distributed in the same proportion as the DSH payments.

From the funds in Specific Appropriation 254, $3,051,190 from the Grants and Donations Trust Fund and $3,951,771 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid $2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriation 254, $2,089,135 from the Grants and Donations Trust Fund and $2,705,757 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriations 254, $3,000,000 from the General Revenue Fund, $9,216,676 from the Grants and Donations Trust Fund and $15,822,515 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent

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individuals. Of these amounts, $12,185,472 shall be paid to University Medical Center - Shands, $6,999,743 shall be paid to All Children's Hospital, $2,769,180 shall be paid to Miami Children's Hospital, $2,487,882 shall be paid to Orlando Regional Medical Center, and $3,596,914 shall be paid to Mt. Sinai Medical Center.

From the funds in Specific Appropriation 254, $20,922,149 from the General Revenue Fund, $150,750,434 from the Grants and Donation Trust Fund and $222,342,986 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

From the funds in Specific Appropriation 254, $6,484,964 from the General Revenue Fund and $8,399,047 from the Medical Care Trust Fund are provided to make special Medicaid payments to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.

From the funds in Specific Appropriation 254, $38,758,184 from the Grants and Donations Trust Fund and $50,197,941 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals.

Funds appropriated are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the above special Medicaid payments and removal of inpatient ceilings for hospitals with a percentage of Medicaid and charity care days to total inpatient days equal to or greater than fifteen percent, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House and the President of the Senate for review and approval.

Funds in Specific Appropriation 254 reflect a reduction of $650,000 from the General Revenue Fund and $842,537 from the Medical Care Trust Fund as a result of coordinated care for autoimmune disorders.

Funds in Specific Appropriation 254 reflect a reduction of $644,540 from the General Revenue Fund and $835,460 from the Medical Care Trust Fund resulting from implementation of a Pediatric Medicaid Emergency Room Diversion Project in Broward County. The intent of the project is to divert patients with non-emergency routine health services from a hospital emergency room to a more appropriate Urgent Care Center setting as a result of contracting with a children's clinic network to implement certain controls on hospital emergency room use. The agency shall apply for and obtain all necessary waivers from HCFA to allow this project. The agency shall evaluate both the quality of care and costs savings associated with this project and provide a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than December 1, 2001.

From the funds in Specific Appropriation 254, $1,652,450 from the General Revenue Fund and $2,141,924 from the Medical Care Trust Fund are provided to adjust per diem rates for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.

Funds in Specific Appropriation 254 reflect a reduction of $2,936,168 from the General Revenue Fund and $3,805,894 from the Medical Care Trust Fund as a result of increasing enrollment in health maintenance organizations (HMO)and exclusive provider organizations (EPO) to 50% HMO/EPO and 50% Medipass by January 1, 2002.

Funds in Specific Appropriation 254, reflect a reduction of $9,006,063 from the General Revenue Fund, $11,023 from the Tobacco Settlement Trust Fund, $11,698,875 from the Medical Care Trust Fund and $30,586 from the Refugee Assistance Trust Fund as a result of implementation of a prior authorization and concurrent review program for hospital non-emergency admissions, effective January 1, 2002.

The Agency for Health Care Administration shall develop a plan to implement a Diagnosis Related Group (DRG) reimbursement methodology for

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Medicaid providers. The plan shall be submitted to the House Fiscal Responsibility Council and Senate Appropriations Committee no later than October 1, 2001.

From the funds in Specific Appropriations 254, 261, 266, and 267, $789,121 from the General Revenue Fund and $1,143,326 from the Medical Care Trust Fund may be used to provide Medicaid coverage to persons with disabilities from age 16 to 64 who, except for earned income, would be eligible to receive Supplemental Security Income benefits regardless of whether they had ever received such benefits.

From the funds in Specific Appropriation 254, $23,046,785 from the Medical Care Trust Fund is provided for the agency to implement coverage for services for children in institutions for mental disease (IMDs). The coverage shall be designed to permit limits on services, prior authorization of services, selective provider enrollment, and a phase-in of coverage by geographic areas. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 350A and 403.

255	SPECIAL CATEGORIES		
	FREESTANDING DIALYSIS CENTERS		
	FROM GENERAL REVENUE FUND	3,779,548	
	FROM MEDICAL CARE TRUST FUND		4,899,092

Funds in Specific Appropriation 255 are for the inclusion of the freestanding dialysis clinics in the Medicaid Program. The agency is to limit payment to $85 per visit for each dialysis treatment.

256	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	41,221,867	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,220
	FROM MEDICAL CARE TRUST FUND		53,435,026

257	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	154,388,025	
	FROM TOBACCO SETTLEMENT TRUST FUND		860,676
	FROM GRANTS AND DONATIONS TRUST FUND . . .		62,684,399
	FROM MEDICAL CARE TRUST FUND		246,066,175
	FROM REFUGEE ASSISTANCE TRUST FUND		1,306,860

From the funds in Specific Appropriation 257, $21,183,306 from the Grants and Donations Trust Fund and $27,435,713 from the Medical Care Trust Fund is provided to increase the outpatient cap for adults from $1,000 to $1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals.

From the funds in Specific Appropriation 257 , $1,764,211 from the Grants and Donations Trust Fund and $1,257,162 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

From the funds in Specific Appropriation 257, $200,740 from the Grants and Donations Trust Fund and $259,991 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

In the event that the Federal Health Care Financing Administration does not approve amendments to the Medicaid hospital outpatient reimbursement plan to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital outpatient reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

The funds in Specific Appropriation 257 reflect a reduction of $25,786,590 from the General Revenue Fund and $33,424,867 from the

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Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to hospital outpatient providers to 20 percent of allowable Medicare rates.

Funds in Specific Appropriation 257 reflect a reduction of $6,054,893 from the General Revenue Fund, $19,017 from the Tobacco Settlement Trust Fund, $7,891,754 from the Medical Care Trust Fund and $61,574 from the Refugee Assistance Trust Fund as a result of reducing hospital outpatient rates by 6% effective July 1, 2001 and restoring effective April 1, 2002.

258	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	1,043,263	
	FROM MEDICAL CARE TRUST FUND		1,352,290
259	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,023,355	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,388
	FROM MEDICAL CARE TRUST FUND		2,632,692
	FROM REFUGEE ASSISTANCE TRUST FUND		2,050
260	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	401,414	
	FROM MEDICAL CARE TRUST FUND		520,315
261	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	11,304,323	
	FROM TOBACCO SETTLEMENT TRUST FUND		671,397
	FROM MEDICAL CARE TRUST FUND		15,556,542
	FROM REFUGEE ASSISTANCE TRUST FUND		279,117

The funds in Specific Appropriation 261 reflect a reduction of $282,270 from the General Revenue Fund, $830 from the Tobacco Settlement Trust Fund, $6,790 from the Refugee Assistance Trust Fund, and $367,772 from the Medical Care Trust Fund as a result of implementing a policy to pay for laboratory services on a competitively bid basis, effective January 1, 2002.

262	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	39,968,405	
	FROM TOBACCO SETTLEMENT TRUST FUND		73,360
	FROM MEDICAL CARE TRUST FUND		51,974,659
	FROM REFUGEE ASSISTANCE TRUST FUND		128,506

Funds in Specific Appropriation 262 reflect a reduction of $277,900 from the General Revenue Fund, $510 from the Tobacco Settlement Trust Fund, $361,380 from the Medical Care Trust Fund and $894 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for non-emergency transportation services in certain counties on a competitively bid basis and by contracting with certain companies for same-day trip scheduling independent of the CTC system, effective January 1, 2002.

263	SPECIAL CATEGORIES		
	PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	350,414	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,065
	FROM MEDICAL CARE TRUST FUND		456,636
	FROM REFUGEE ASSISTANCE TRUST FUND		1,449
264	SPECIAL CATEGORIES		
	PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	7,635,274	
	FROM MEDICAL CARE TRUST FUND		9,896,928
265	SPECIAL CATEGORIES		
	PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	3,692,123	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,741
	FROM MEDICAL CARE TRUST FUND		4,794,298
	FROM REFUGEE ASSISTANCE TRUST FUND		585
266	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	193,833,028	
	FROM TOBACCO SETTLEMENT TRUST FUND		43,916,259
	FROM MEDICAL CARE TRUST FUND		308,835,177
	FROM REFUGEE ASSISTANCE TRUST FUND		2,779,304

From the funds in Specific Appropriation 266, $13,913,471 from non-recurring General Revenue and $18,034,797 from the Medical Care Trust Fund are provided for the proposed settlement of Savona et. al. v. the Agency for Health Care Administration.

From the funds in Specific Appropriation 266, $970,000 from the General Revenue Fund and $1,257,325 from the Medical Care Trust Fund are provided to increase physician rates by 4 percent effective April 1, 2002 for services to children ages 0-21 years.

267	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	546,930,048	
	FROM TOBACCO SETTLEMENT TRUST FUND		538,669
	FROM GRANTS AND DONATIONS TRUST FUND . . .		419,932,556
	FROM MEDICAL CARE TRUST FUND		694,076,763
	FROM REFUGEE ASSISTANCE TRUST FUND		3,613,672

The funds in Specific Appropriation 267 reflect a reduction of $108,286,094 from the General Revenue Fund and $156,550,467 from the Medical Care Trust Fund and an increase of $50,999,708 in the Grants and Donations Trust Fund resulting from the implementation of a drug formulary, the enhancement of state supplemental rebates for pharmaceuticals, and other cost containment pharmacy initiatives.

The funds in Specific Appropriation 267 reflect a reduction of $6,335,000 from the General Revenue Fund and $8,211,498 from the Medical Care Trust Fund for certain brand name drug patent expirations.

268	SPECIAL CATEGORIES		
	PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	57,472,068	
	FROM TOBACCO SETTLEMENT TRUST FUND		615
	FROM MEDICAL CARE TRUST FUND		74,497,344

The funds in Specific Appropriation 268 reflect a reduction of $1,473,262 from the General Revenue Fund, $16 from the Tobacco Settlement Trust Fund, and $1,909,694 from the Medical Care Trust Fund as a result of implementing a policy to pay for private duty nursing services on a competitively bid basis, effective January 1, 2002.

269	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	19,913,653	
	FROM TOBACCO SETTLEMENT TRUST FUND		56,231
	FROM MEDICAL CARE TRUST FUND		25,940,434
	FROM REFUGEE ASSISTANCE TRUST FUND		36,428
270	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	6,679,637	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,964
	FROM MEDICAL CARE TRUST FUND		8,662,696
	FROM REFUGEE ASSISTANCE TRUST FUND		3,074
270A	SPECIAL CATEGORIES		
	MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND	10,387,488	
	FROM TOBACCO SETTLEMENT TRUST FUND		55,232
	FROM MEDICAL CARE TRUST FUND		13,590,235
	FROM REFUGEE ASSISTANCE TRUST FUND		110,856

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271 SPECIAL CATEGORIES
CHILDREN'S HOSPITAL DISPROPORTIONATE SHARE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,516,000
FROM MEDICAL CARE TRUST FUND 1,963,458

Funds in Specific Appropriation 271 shall be used for Disproportionate Share Payments to specialty hospitals for children, and shall be distributed in accordance with s. 409.9119, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions.

272 SPECIAL CATEGORIES
PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,435,000
FROM MEDICAL CARE TRUST FUND 5,744,022

Funds in Specific Appropriation 272 shall be used for hospitals qualifying for Primary Care Disproportionate Share payments. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall determine the eligibility of a hospital to participate in the Primary Care Disproportionate Share Program based on the criteria in s. 409.9117, Florida Statutes.

273 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE
FROM GENERAL REVENUE FUND 87,000
FROM TOBACCO SETTLEMENT TRUST FUND 100,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000
FROM MEDICAL CARE TRUST FUND 3,885,472

Funds in Specific Appropriation 273 shall be used for Disproportionate Share payments to hospitals participating in the Regional Perinatal Intensive Care Center Program (RPICC), and shall be distributed in accordance with s. 409.9112, Florida Statutes. Funds appropriated are contingent upon the receipt of county contributions.

From the funds in Specific Appropriation 273, $87,000 from the General Revenue Fund and $100,000 from recurring Tobacco Settlement Trust Funds shall be provided to Lee Memorial Hospital for their RPICC Program. This payment is not a payment under the RPICC Disproportionate Share Program.

274 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 188,771,638
FROM TOBACCO SETTLEMENT TRUST FUND 4,813
FROM MEDICAL CARE TRUST FUND 219,873,519

275 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 4,035,679
FROM TOBACCO SETTLEMENT TRUST FUND 777
FROM MEDICAL CARE TRUST FUND 5,232,866
FROM REFUGEE ASSISTANCE TRUST FUND 482

276 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 22,184,041
FROM TOBACCO SETTLEMENT TRUST FUND 84,154
FROM MEDICAL CARE TRUST FUND 28,946,964
FROM REFUGEE ASSISTANCE TRUST FUND 227,836

Funds in Specific Appropriation 276 for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in s. 409.908(19), Florida Statutes.

277 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 50,000,000

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TOTAL: MEDICAID SERVICES TO INDIVIDUALS
FROM GENERAL REVENUE FUND 1702,266,099
FROM TRUST FUNDS 4635,833,242

TOTAL ALL FUNDS 6338,099,341

MEDICAID LONG TERM CARE

278 LUMP SUM
NURSING HOME QUALITY IMPROVEMENT
FROM GENERAL REVENUE FUND 26,508,247
FROM MEDICAL CARE TRUST FUND 33,915,970

Funds in Specific Appropriation 278 are provided to implement nursing home quality initiatives pursuant to SB 1202 or similar legislation which becomes law.

279 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM MEDICAL CARE TRUST FUND 32,871,249

Funds in Specific Appropriation 279 are provided to implement Medicaid coverage for assistive care services and are contingent on the availability of state match being provided in accordance with Specific Appropriations 450 and 451. The agency is authorized to seek federal approval of a waiver or state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, and eligible for the state's Optional State Supplementation program. The Medicaid coverage may be designed to permit limits on services, establish provider qualifications, and limit the groups eligible for coverage. The agency shall ensure that Medicaid assistive care services are provided in compliance with a service plan that takes into account the individual needs of the resident as determined by objective assessment. Facilities shall be paid a per month rate or other basis as approved by the Health Care Financing Administration for assistive care services. The Agency for Health Care Administration shall monitor the implementation of this program on a quarterly basis and shall report the results to the Social Services Estimating Conference.

280 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 19,313,415
FROM TOBACCO SETTLEMENT TRUST FUND 328
FROM MEDICAL CARE TRUST FUND 429,108,149

From the funds in Specific Appropriation 280, the agency shall ensure that enrollment slots for the Channeling Program are increased in FY 2001-02 consistent with the funding included in this appropriation for the program.

281 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM MEDICAL CARE TRUST FUND 25,996,098

From the funds in Specific Appropriation 281, $3,439,295 from the Medical Care Trust Fund is provided to transition clients served in the nursing homes under the Intermediate II level of care to assisted living facilities.

282 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER
FROM MEDICAL CARE TRUST FUND 136,589,748

283 SPECIAL CATEGORIES
NURSING HOME CARE
FROM GENERAL REVENUE FUND 757,044,687
FROM TOBACCO SETTLEMENT TRUST FUND 4,000,000
FROM MEDICAL CARE TRUST FUND 994,511,412

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The funds in Specific Appropriation 283 reflect a reduction of $5,849,943 from the General Revenue Fund and $7,582,776 from the Medical Care Trust Fund as a result of transitioning residents at an Intermediate II level of care to assisted living facilities which provide a more appropriate care setting for these individuals.

The funds in Specific Appropriation 283 reflect a reduction of $6,763,073 from the General Revenue Fund, $8,766,371 from the Medical Care Trust Fund as a result of eliminating increases in the operating and patient care components of nursing home per diem rates for nursing homes that undergo a change in ownership or licensed operator, effective July 1, 2001.

The funds in Specific Appropriation 283 reflect a reduction of $1,763,917 from the General Revenue Fund, $2,286,409 from the Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to nursing home providers to 20 percent of the allowable rate.

284	SPECIAL CATEGORIES STATE MENTAL HEALTH HOSPITAL PROGRAM FROM MEDICAL CARE TRUST FUND		11,736,181
285	SPECIAL CATEGORIES MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE FROM MEDICAL CARE TRUST FUND		82,826,533

Funds from Specific Appropriation 285 reflect a reduction of $735,793 from the Medical Care Trust Fund to be in compliance with the federal funding cap on the Mental Health Hospital Disproportionate Share Program.

286	SPECIAL CATEGORIES T.B. HOSPITAL DISPROPORTIONATE SHARE FROM MEDICAL CARE TRUST FUND		2,444,444
287	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER FROM MEDICAL CARE TRUST FUND		414,949
288	SPECIAL CATEGORIES CAPITATED NURSING HOME DIVERSION WAIVER FROM GENERAL REVENUE FUND	9,976,393	
	FROM MEDICAL CARE TRUST FUND		12,931,514
TOTAL:	MEDICAID LONG TERM CARE FROM GENERAL REVENUE FUND	812,842,742	
	FROM TRUST FUNDS		1767,346,575
	TOTAL ALL FUNDS		2580,189,317

MEDICAID PREPAID HEALTH PLANS

Funds in Specific Appropriations 289 and 290 reflect a reduction of $13,963,013 from the General Revenue Fund, $119,645 from the Tobacco Settlement Trust Fund, $18,371,646 from the Medical Care Trust Fund and $61,482 from the Refugee Assistance Trust Fund for implementing a change in the method of calculating the capitated payments made to prepaid health plans so that the capitated payments reflect the net cost of pharmaceuticals for the equivalent MediPass/fee-for-service populations which are used to calculate the pharmaceutical component of the capitated rate.

Funds in Specific Appropriations 289 and 290 reflect a reduction of $118,863 from the General Revenue Fund, $877 from the Tobacco Settlement Trust Fund, $156,068 from the Medical Care Trust Fund, and $449 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for laboratory services and nursing services on a competitively bid basis, effective January 1, 2002.

Funds in Specific Appropriations 289 and 290 reflect a reduction of $7,743,736 from the General Revenue Fund, $70,624 from the Tobacco Settlement Trust Fund, $10,198,448 from the Medical Care Trust Fund, and $36,396 from the Refugee Assistance Trust Fund as a result of a 6% hospital inpatient and outpatient rate reduction effective July 1, 2001 and restored effective April 1, 2002.

Funds in Specific Appropriation 289 and 290 reflect a net reduction of $1,644,165 from the General Revenue Fund, $14,089 from the Tobacco Settlement Trust Fund, $2,163,289 from the Medical Care Trust Fund, and $7,239 from the Refugee Assistance Trust Fund. This reduction is a result of the elimination of the HMO administrative rate component of the capitation rate for the period July 1, 2001 through September 30, 2001. Effective October 1, 2001, the agency shall redirect the remaining funds previously appropriated for the administrative rate component to equalize the percentage of the fee-for-service rate used to set capitation rates throughout the state.

289	SPECIAL CATEGORIES PREPAID HEALTH PLANS--ELDERLY AND DISABLED FROM GENERAL REVENUE FUND	193,090,663	
	FROM MEDICAL CARE TRUST FUND		250,286,291
290	SPECIAL CATEGORIES PREPAID HEALTH PLANS--FAMILIES FROM GENERAL REVENUE FUND	216,908,235	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,422,153
	FROM MEDICAL CARE TRUST FUND		290,301,178
	FROM REFUGEE ASSISTANCE TRUST FUND		1,784,640
TOTAL:	MEDICAID PREPAID HEALTH PLANS FROM GENERAL REVENUE FUND	409,998,898	
	FROM TRUST FUNDS		546,794,262
	TOTAL ALL FUNDS		956,793,160

PROGRAM: HEALTH CARE REGULATION

From the funds in Specific Appropriations 291 through 300, the Health Care Regulation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of Priority I practitioner investigations resulting in emergency action	25.0%
2. Percent of nursing home facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public	0%

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

HEALTH FACILITY AND PRACTITIONER REGULATION

291	SALARIES AND BENEFITS POSITIONS 806 FROM GENERAL REVENUE FUND	1,342,124	
	FROM HEALTH CARE TRUST FUND		33,787,124
	FROM ADMINISTRATIVE TRUST FUND		1,223,819
	FROM TOBACCO SETTLEMENT TRUST FUND		24,226
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		68,400
292	OTHER PERSONAL SERVICES FROM HEALTH CARE TRUST FUND		1,797,478
293	EXPENSES FROM GENERAL REVENUE FUND	4,571,808	
	FROM HEALTH CARE TRUST FUND		9,494,215

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FROM ADMINISTRATIVE TRUST FUND		4,102,067
FROM TOBACCO SETTLEMENT TRUST FUND		6,188
FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		301,006

Funds in Specific Appropriation 293 reflect a reduction of $3,450,000 from the General Revenue Fund and $3,450,000 from the Administrative Trust Fund resulting from a change in the manner in which recipients receive choice counseling.

From the funds in Specific Appropriation 293, $476,987 is provided to upgrade the Florida Regulatory Administration Enforcement System (FRAES).

From the funds in Specific Appropriation 293, $100,000 from the General Revenue Fund and $100,000 from the Administrative Trust Fund are provided for the Florida Center for Nursing. The Center may contract with the Florida Hospital Association or any other Florida health care association which is currently collecting, analyzing and publishing nursing shortage data. The contract may provide for data collection and analysis and other services as determined by the Center.

294 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	32,682	
FROM HEALTH CARE TRUST FUND		120,793
FROM ADMINISTRATIVE TRUST FUND		8,231
295 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM HEALTH CARE TRUST FUND		1,262,163
296 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	800,000	

From the funds in Specific Appropriation 296, $700,000 in recurring General Revenue is provided for a Teaching Nursing Home Project at the Miami Jewish Home and Hospital for the Aged at Douglas Gardens and $100,000 is provided for an affiliated project at River Garden Hebrew Home/Wolfson Health and Aging Center - Duval County.

The teaching nursing home, in conjunction with the Florida Alzheimer's Association, will convene a working group of academicians, long term care practitioners, community leaders, and other stakeholders to develop training priorities, develop curriculum, and conduct pilot projects to provide cost-effective training for staff in long term care facilities who provide direct care to persons with Alzheimer's disease and related disorders. The working group will review current practices and devise a method for endorsing what they determine to be best practices.

The working group will develop methods for encouraging the adoption of those best practices by licensed facilities. This set of best practices for various stages and problems in dementia will ultimately provide a statewide standard of care.

The development and the delivery of this education in dementia may be conducted through Geri-U, the online geriatrics interactive training resources developed by the teaching nursing home program.

297 SPECIAL CATEGORIES		
EMERGENCY ALTERNATIVE PLACEMENT		
FROM RESIDENT PROTECTION TRUST FUND . . .		776,720
298 SPECIAL CATEGORIES		
MEDICAID SURVEILLANCE		
FROM HEALTH CARE TRUST FUND		252,499
299 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	8,519	
FROM HEALTH CARE TRUST FUND		291,259
FROM ADMINISTRATIVE TRUST FUND		8,520

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300 SPECIAL CATEGORIES		
REIMBURSEMENT TO MEDICAID NURSING HOMES FOR EMPLOYEE BACKGROUND CHECKS		
FROM GENERAL REVENUE FUND	184,750	
FROM HEALTH CARE TRUST FUND		184,750
TOTAL: HEALTH FACILITY AND PRACTITIONER REGULATION		
FROM GENERAL REVENUE FUND	6,939,883	
FROM TRUST FUNDS		53,709,458
TOTAL POSITIONS	806	
TOTAL ALL FUNDS		60,649,341

CHILDREN AND FAMILIES, DEPARTMENT OF

From the funds in Specific Appropriations 302 through 466, any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Each agency shall certify to the department that all expenditures made under part A of Title IV of the Social Security Act are eligible and allowable under the federal requirements. Before any funds are released by the department, each provider shall certify the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 302 through 466, any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

302 SALARIES AND BENEFITS POSITIONS 197		
FROM GENERAL REVENUE FUND	7,627,500	
FROM ADMINISTRATIVE TRUST FUND		2,420,337
FROM TOBACCO SETTLEMENT TRUST FUND		134,228
FROM FEDERAL GRANTS TRUST FUND		26,815
303 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	34,401	
304 EXPENSES		
FROM GENERAL REVENUE FUND	1,360,875	
FROM ADMINISTRATIVE TRUST FUND		482,928
FROM TOBACCO SETTLEMENT TRUST FUND		40,746
FROM FEDERAL GRANTS TRUST FUND		194,968
305 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	25,049	
FROM ADMINISTRATIVE TRUST FUND		1,133
306 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM ADMINISTRATIVE TRUST FUND		276,700

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307 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 181,088

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND 9,228,913
FROM TRUST FUNDS 3,577,855

TOTAL POSITIONS 197
TOTAL ALL FUNDS 12,806,768

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

307A SALARIES AND BENEFITS POSITIONS 427
FROM WORKING CAPITAL TRUST FUND 21,279,543

307B OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 794,272

307C EXPENSES
FROM WORKING CAPITAL TRUST FUND 6,753,568

307D OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 74,011

307E SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND 102,084,178

The Department of Children and Family Services shall provide quarterly financial reports on information technology funding to the Executive Office of the Governor, the Senate Appropriations Committee, and the House Fiscal Responsibility Council. These reports must include a statement of sources and uses of funds by major system, detailed listings of contracts including vendor names, descriptions of services, amounts and expiration dates by major system, and a listing of full time equivalent positions procured through contracts by major systems. Should the State Technology Office assume oversight of the department's technology projects, the responsibility for this report will transfer to them.

308 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 59,845

TOTAL: INFORMATION TECHNOLOGY

FROM TRUST FUNDS 131,045,417

TOTAL POSITIONS 427
TOTAL ALL FUNDS 131,045,417

ASSISTANT SECRETARY FOR ADMINISTRATION

310 SALARIES AND BENEFITS POSITIONS 296
FROM GENERAL REVENUE FUND 12,591,849
FROM ADMINISTRATIVE TRUST FUND 2,239,498

311 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 326,140
FROM ADMINISTRATIVE TRUST FUND 792,950

312 EXPENSES
FROM GENERAL REVENUE FUND 8,370,299
FROM ADMINISTRATIVE TRUST FUND 7,226,414

Funds appropriated in Specific Appropriation 312 include an administrative reduction of $1,077,950 from the General Revenue Fund. All or a portion of this reduction may be allocated to other operating categories within the Executive Leadership and Support Services programs. The department has the authority to propose any such amendments pursuant to the applicable provisions of Chapter 216 of the Florida Statutes.

313 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 82,607
FROM ADMINISTRATIVE TRUST FUND 8,665

314 LUMP SUM
FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM
FROM ADMINISTRATIVE TRUST FUND 2,854,761

315 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 25,000

316 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 283,434
FROM ADMINISTRATIVE TRUST FUND 160,109

317 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM ADMINISTRATIVE TRUST FUND 187,500
FROM FEDERAL GRANTS TRUST FUND 500,000

Specific Appropriation 317 includes $500,000 in the Federal Grants Trust Fund for the evaluation of specific Temporary Assistance to Needy Families (TANF) funded programs to determine if those programs are performing according to legislative intent and fulfilling the goals of the TANF program, and to assess if their funding should be continued in Fiscal Year 2002-2003. The Department of Children and Family Services is directed to contract with one or more qualified private consultants selected through an RFP process for conducting this evaluation. The following programs and activities shall be evaluated pursuant to this proviso:

Department of Children and Families:
Substance Abuse Treatment and Aftercare for Adults
Eligibility Determination and Case Management in Economic Self-Sufficiency
Error Rate Reduction and Benefit Recovery in Economic Self-Sufficiency
Client Employment Supports - Economic Self-Sufficiency
Unallocated Budget - Child Protection
Unallocated Budget - Child Care
Prepaid Tuition Scholarships

Department of Health:
Teenage Pregnancy
Epilepsy Services
Public Assistance Eligibility
KidCare Outreach

Agency for Workforce Innovation:
Workforce Local Boards contracts

318 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 94,322

319 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 42,630

319A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 41,747,024
FROM ADMINISTRATIVE TRUST FUND 44,482,526
FROM TOBACCO SETTLEMENT TRUST FUND 5,760,213

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FROM FEDERAL GRANTS TRUST FUND 18,208,961
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 474,146

From the funds in Specific Appropriation 319A, $2,000,000 from the General Revenue Fund, $9,000,000 from the Administrative Trust Fund and $7,172,000 from the Federal Grants Trust Fund are provided for the HomeSafenet Project (formerly known as the State Automated Child Welfare Information System); and $1,000,000 from General Revenue and $8,029,888 from the Administrative Trust Fund are provided for the Florida On-Line Recipient (FLORIDA) System.

From the funds in Specific Appropriation 319A $100,000 from the General Revenue Fund and $100,000 from the Administrative Trust Fund are provided to continue monitoring of the HomeSafenet Project as a critical information resources management project under section 282.322, F.S.

320 FIXED CAPITAL OUTLAY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SPACE NEEDS - STATEWIDE
FROM ADMINISTRATIVE TRUST FUND 4,000,000

Funds in Specific Appropriation 320 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

321 FIXED CAPITAL OUTLAY
FIXED CAPITAL OUTLAY NEEDS FOR INSTITUTIONS
FROM ADMINISTRATIVE TRUST FUND 3,500,000

Funds in Specific Appropriation 321 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION

FROM GENERAL REVENUE FUND 63,563,305
FROM TRUST FUNDS 90,395,743

TOTAL POSITIONS 296
TOTAL ALL FUNDS 153,959,048

DISTRICT ADMINISTRATION

322 SALARIES AND BENEFITS POSITIONS 1,184
FROM GENERAL REVENUE FUND 19,886,900
FROM ADMINISTRATIVE TRUST FUND 32,590,420
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,120,247

323 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 391,351

324 EXPENSES
FROM GENERAL REVENUE FUND 5,961,968
FROM ADMINISTRATIVE TRUST FUND 1,920,515
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,125,459

325 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 71,238
FROM ADMINISTRATIVE TRUST FUND 166,990

326 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 975,000

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327 SPECIAL CATEGORIES
CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES
FROM GENERAL REVENUE FUND 37,942

327A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 327A include $250,000 from recurring General Revenue for the following initiatives:

Broward Shared Database..... 100,000
Healthier Communities Initiatives - Broward County..... 150,000

328 SPECIAL CATEGORIES
FINGERPRINTING FOR DAY CARE EMPLOYEES
FROM GENERAL REVENUE FUND 135,513

329 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 955,803

TOTAL: DISTRICT ADMINISTRATION

FROM GENERAL REVENUE FUND 28,274,364
FROM TRUST FUNDS 37,314,982

TOTAL POSITIONS 1,184
TOTAL ALL FUNDS 65,589,346

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

From the funds in Specific Appropriation 330 through 362A, the Family Safety Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of children in families who complete intensive child abuse prevention programs of 3 months or more who are not abused or neglected within 12 months of program completion	96.0%
2. Percent of children who have no findings of child maltreatment within 1 year of case closure from services	95.0%
3. Percent of calls made to the Florida Abuse Hotline that were abandoned	5.0%

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CHILD CARE REGULATION AND INFORMATION

330 SALARIES AND BENEFITS POSITIONS 106
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 744,716
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 3,763,247

331 EXPENSES
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 388,270

332 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

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FROM GENERAL REVENUE FUND	2,324,418	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		18,199,611
FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696

Funds in Specific Appropriation 332 include recurring General Revenue funds for the following project:

Family Day Care Home Enhancements..... 12,000

TOTAL: CHILD CARE REGULATION AND INFORMATION

FROM GENERAL REVENUE FUND	2,324,418	
FROM TRUST FUNDS		23,349,540
TOTAL POSITIONS	106	
TOTAL ALL FUNDS		25,673,958

ADULT PROTECTION

333	SALARIES AND BENEFITS POSITIONS	542	
	FROM GENERAL REVENUE FUND	14,064,472	
	FROM ADMINISTRATIVE TRUST FUND		3,441,522
	FROM TOBACCO SETTLEMENT TRUST FUND		59,460
	FROM DOMESTIC VIOLENCE TRUST FUND		187,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,807,786
334	OTHER PERSONAL SERVICES		
	FROM DOMESTIC VIOLENCE TRUST FUND		132,488
335	EXPENSES		
	FROM GENERAL REVENUE FUND	2,033,388	
	FROM ADMINISTRATIVE TRUST FUND		864,908
	FROM TOBACCO SETTLEMENT TRUST FUND		1,073
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		485,789
336	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,401	
337	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
	FROM GENERAL REVENUE FUND	100,000	
	FROM DOMESTIC VIOLENCE TRUST FUND		5,630,466
	FROM FEDERAL GRANTS TRUST FUND		27,051,554

From the funds in Specific Appropriation 337, $100,000 in recurring General Revenue is provided for the Adult Protection Team Pilot Program in Dade County and $347,521 in recurring Federal Grants Trust Fund is provided for the Harbor House in Orange County.

338	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	
	FROM ADMINISTRATIVE TRUST FUND		48,500
339	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	EMERGENCY SHELTER AND TRANSITIONAL HOUSING		
	FROM ADMINISTRATIVE TRUST FUND		2,000,000

From the funds in Specific Appropriation 339, $2,000,000 in non-recurring Administrative Trust Funds shall be used for the construction, renovation and maintenance of certified domestic violence centers in accordance of the provisions of section 39.9055, F.S.

Funds in Specific Appropriation 339 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT PROTECTION

FROM GENERAL REVENUE FUND	16,416,788	
FROM TRUST FUNDS		43,710,688
TOTAL POSITIONS	542	
TOTAL ALL FUNDS		60,127,476

CHILD ABUSE PREVENTION AND INTERVENTION

340	SALARIES AND BENEFITS POSITIONS	2	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,278
341	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND		83,999
342	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND		25,915
343	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
	FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
	FROM FEDERAL GRANTS TRUST FUND		28,171,718

From the funds in Specific Appropriation 343, $3,000,000 in non-recurring Federal Grants Trust Fund is provided for Sustaining and Expanding Healthy Families to Promote the Success of Community-Based Care in DeSoto, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties.

TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION

FROM TRUST FUNDS		29,378,910
TOTAL POSITIONS	2	
TOTAL ALL FUNDS		29,378,910

CHILD PROTECTION AND PERMANENCY

344	SALARIES AND BENEFITS POSITIONS	5,045	
	FROM GENERAL REVENUE FUND	75,996,794	
	FROM ADMINISTRATIVE TRUST FUND		505,789
	FROM TOBACCO SETTLEMENT TRUST FUND		15,359,205
	FROM FEDERAL GRANTS TRUST FUND		93,215,783
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		33
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		20,636,196
345	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,951,741	
	FROM FEDERAL GRANTS TRUST FUND		3,004,696
346	EXPENSES		
	FROM GENERAL REVENUE FUND	18,996,429	
	FROM ADMINISTRATIVE TRUST FUND		1,080,095
	FROM TOBACCO SETTLEMENT TRUST FUND		4,991,755
	FROM FEDERAL GRANTS TRUST FUND		20,944,389
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,802,394
347	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	65,892	
	FROM FEDERAL GRANTS TRUST FUND		22,024
348	SPECIAL CATEGORIES		
	ADOPTION SERVICES AND SUBSIDY		

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FROM GENERAL REVENUE FUND	16,289,262	
FROM TOBACCO SETTLEMENT TRUST FUND		7,743,540
FROM FEDERAL GRANTS TRUST FUND		29,610,106
FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524

348A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION

FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM FEDERAL GRANTS TRUST FUND		10,000,000

From the Federal Grants Trust Fund in Specific Appropriation 348A, $10 million from the Temporary Assistance to Needy Families (TANF) block grant shall be used for community partnership matching grants for Children's Services Councils or other local government entities. Matching grants may be used for any prevention or in-home services provided by the Children's Services Councils or other local government entities that meet TANF eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system.

Funds in Specific Appropriation 348A from the Tobacco Settlement Trust Fund are provided for start-up transition funds for Child Welfare Community Based Care, including $825,000 for Broward County.

349 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

FROM GENERAL REVENUE FUND	3,121,935	
FROM ADMINISTRATIVE TRUST FUND		1,470,888
FROM TOBACCO SETTLEMENT TRUST FUND		69,707,698
FROM FEDERAL GRANTS TRUST FUND		80,298,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND		776,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		19,409,219

Specific Appropriation 349 includes recurring General Revenue for the following initiatives:

Hibiscus Children's Center Crisis Nursery.....	190,000
Kids Bridge.....	100,000
Emerald Coast Children's Advocacy Center.....	515,465
Early Permanency Planning.....	210,000

Specific Appropriation 349 also includes recurring Tobacco Trust Fund for the following project:

Kristi House.....	450,000

Specific Appropriation 349 includes funds to continue the Child Welfare Legal Services contracts with the Attorney General's office and specified state attorneys.

350A SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY FOSTER CARE

FROM GENERAL REVENUE FUND	16,725,184	
FROM TOBACCO SETTLEMENT TRUST FUND		21,120,195
FROM FEDERAL GRANTS TRUST FUND		37,980,877
FROM GRANTS AND DONATIONS TRUST FUND . . .		51,680
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,428,623
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		12,734,107

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to $4 million from the General Revenue Fund in Specific Appropriation 350A to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease (IMD's).

350B SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL GROUP CARE

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FROM GENERAL REVENUE FUND	8,101,454	
FROM TOBACCO SETTLEMENT TRUST FUND		10,246,431
FROM FEDERAL GRANTS TRUST FUND		18,426,366
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,073
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,148,540
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,177,933

350C SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER CARE

FROM GENERAL REVENUE FUND	9,133,698	
FROM TOBACCO SETTLEMENT TRUST FUND		10,455,542
FROM FEDERAL GRANTS TRUST FUND		18,802,414
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,584
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,192,388
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,304,014

350D SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL CARE PILOT PROJECT

FROM GENERAL REVENUE FUND	9,600,000	
FROM FEDERAL GRANTS TRUST FUND		5,800,000

Funds provided in Specific Appropriation 350D shall be used to fund comprehensive residential services to children with extraordinary needs, and model comprehensive residential services programs for children with serious behavioral problems. The total recurring appropriation of $15.4 million shall be allocated as follows: $1.4 million for a model program in Manatee County, $4.0 million for a model program in Dade County, and $10 million for comprehensive residential services to children in Districts IV, XI, XII, and the Suncoast Region of the Department of Children and Family Services.

350E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CHILD WELFARE FACILITIES

FROM GENERAL REVENUE FUND	1,725,000	

Specific Appropriation 350E includes non-recurring General Revenue for the following fixed capital outlay projects:

Children's Advocacy Center - Orange County.....	200,000
Manatee Children's Group Home.....	1,000,000
Manatee County Nursery School.....	450,000
Haven for Children - Brevard.....	75,000

Funds in Specific Appropriation 350E for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	162,707,389	
FROM TRUST FUNDS		541,656,145
TOTAL POSITIONS	5,045	
TOTAL ALL FUNDS		704,363,534

FLORIDA ABUSE HOTLINE

351 SALARIES AND BENEFITS POSITIONS 192

FROM GENERAL REVENUE FUND	1,435,443	
FROM ADMINISTRATIVE TRUST FUND		4,117,389
FROM TOBACCO SETTLEMENT TRUST FUND		169,660
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,776,325

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352	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		315,845
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		210,563
353	EXPENSES		
	FROM GENERAL REVENUE FUND	442,501	
	FROM ADMINISTRATIVE TRUST FUND		1,463,033
	FROM TOBACCO SETTLEMENT TRUST FUND		54,168
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		543,431
354	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		21,272
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,632
355	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,059	

TOTAL: FLORIDA ABUSE HOTLINE

FROM GENERAL REVENUE FUND	1,893,003	
FROM TRUST FUNDS		8,686,318
TOTAL POSITIONS	192	
TOTAL ALL FUNDS		10,579,321

PROGRAM MANAGEMENT AND COMPLIANCE

356	SALARIES AND BENEFITS POSITIONS	435	
	FROM GENERAL REVENUE FUND	8,717,938	
	FROM ADMINISTRATIVE TRUST FUND		578,479
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		595,391
	FROM TOBACCO SETTLEMENT TRUST FUND		1,044,601
	FROM FEDERAL GRANTS TRUST FUND		9,262,188
	FROM GRANTS AND DONATIONS TRUST FUND . . .		222
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,374,120
357	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,151	
	FROM ADMINISTRATIVE TRUST FUND		13,000
	FROM FEDERAL GRANTS TRUST FUND		370,864
358	EXPENSES		
	FROM GENERAL REVENUE FUND	1,654,150	
	FROM ADMINISTRATIVE TRUST FUND		295,851
	FROM CHILD WELFARE TRAINING TRUST FUND . .		1,155,137
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		220,000
	FROM TOBACCO SETTLEMENT TRUST FUND		225,152
	FROM FEDERAL GRANTS TRUST FUND		1,593,278
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		700,729
359	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	43,370	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		30,000

From the funds in Specific Appropriations 356, 358 and 359, 2 positions and $118,000 from recurring General Revenue and $2,000 from non-recurring General Revenue shall be utilized to create a unit to coordinate the recruitment, retention, and training of foster parents.

360	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES)		
	FROM FEDERAL GRANTS TRUST FUND		2,526,713

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361	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	2,876,062	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		10,099,792
	FROM FEDERAL GRANTS TRUST FUND		3,306,034
	FROM GRANTS AND DONATIONS TRUST FUND . . .		274,592
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		175,433
362	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,658,729	
	FROM ADMINISTRATIVE TRUST FUND		947
	FROM FEDERAL GRANTS TRUST FUND		140,099
362A	SPECIAL CATEGORIES		
	CHILD WELFARE INITIATIVES		
	FROM GENERAL REVENUE FUND	871,450	
	FROM TOBACCO SETTLEMENT TRUST FUND		750,000

Specific Appropriation 362A includes recurring General Revenue funds for the following initiatives:

Salvation Army Children's Village - Pinellas.....	246,450
Children's Advocacy Center - Orange County.....	100,000
Center for Children and Families.....	100,000
Child Abuse Project - Palm Beach County.....	300,000

Specific Appropriation 362A also includes recurring Tobacco funds for the following projects:

SOS Children's Village - Broward County.....	350,000
Salvation Army Children's Village - Pinellas County.....	400,000

Specific Appropriation 362A also includes non-recurring General Revenue for the following project:

Family Access Center.....	125,000

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	17,855,850	
FROM TRUST FUNDS		34,732,622
TOTAL POSITIONS	435	
TOTAL ALL FUNDS		52,588,472

PROGRAM: PERSONS WITH DISABILITIES PROGRAM

From the funds in Specific Appropriation 363 through 395, the Persons with Disabilities Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of people on the waiting list who receive services within 12 months - Public Facilities.....	100.0%
2. Percent of people on the waiting list who receive services within 12 months - Home and Community Services...	100.0%

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

363	SALARIES AND BENEFITS POSITIONS	3,663	
	FROM GENERAL REVENUE FUND	60,233,316	

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FROM ADMINISTRATIVE TRUST FUND		31,881
FROM OPERATIONS AND MAINTENANCE TRUST FUND		59,876,361
364 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,984,737	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		661,275
365 EXPENSES		
FROM GENERAL REVENUE FUND	6,309,038	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,594,381
366 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	815	
FROM TOBACCO SETTLEMENT TRUST FUND		12,616
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,348,101
367 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	2,235,101	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		393,725
368 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
FROM GENERAL REVENUE FUND	4,901,199	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,631,739
369 SPECIAL CATEGORIES		
PRESCRIBED MEDICINE/DRUGS		
FROM GENERAL REVENUE FUND	29,838	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,038,133
370 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	3,184,553	
TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES		
FROM GENERAL REVENUE FUND	78,878,597	
FROM TRUST FUNDS		73,588,212
TOTAL POSITIONS	3,663	
TOTAL ALL FUNDS		152,466,809
HOME AND COMMUNITY SERVICES		
371 SALARIES AND BENEFITS POSITIONS	298	
FROM GENERAL REVENUE FUND	10,409,739	
FROM ADMINISTRATIVE TRUST FUND		1,961
FROM OPERATIONS AND MAINTENANCE TRUST FUND		55,940
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		159,307
373 EXPENSES		
FROM GENERAL REVENUE FUND	1,401,843	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,555
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		205,321
374 LUMP SUM		
SERVICES TO THE DEVELOPMENTALLY DISABLED POSITIONS	4	
FROM GENERAL REVENUE FUND	22,000,000	
FROM TOBACCO SETTLEMENT TRUST FUND		22,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		86,360,892

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375 SPECIAL CATEGORIES		
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS		
FROM GENERAL REVENUE FUND	13,982,634	
FROM TOBACCO SETTLEMENT TRUST FUND		650,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,658,332

Funds from Specific Appropriation 375 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 375, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Inclusive Child Care Project - Broward, Clay, and Duval Counties..... 100,000

376 SPECIAL CATEGORIES		
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED		
FROM GENERAL REVENUE FUND	8,235,846	
FROM TOBACCO SETTLEMENT TRUST FUND		50,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,764,455
377 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES WAIVER		
FROM GENERAL REVENUE FUND	207,428,895	
FROM TOBACCO SETTLEMENT TRUST FUND		20,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		263,307,305

Funds in Specific Appropriation 377 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 377, $84,878,065 is provided to continue support for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

The department is authorized to include the medical quality assurance program, as funded, in the contract for quality assurance which is overseen by the interagency quality assurance council.

Funds in Specific Appropriation 377 and 374 are provided to meet the needs of developmental services Medicaid Waiver participants based on the individuals' most recent support plans. Priorities for this funding, in order, are as follows: 1) Transitions for those requesting transfers from Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) institutional placements into Home and Community Based Waiver residential placements or other community waiver services, and 2) Meeting the needs of identified under served participants in the Home and Community Based Waiver Services after accurately assessing the actual costs of each person's support plan. The Medicaid waiver services mix must be fully met for all eligible participants before funds are transferred to non-Medicaid covered services, with the exception of room and board payments. The funds in Specific Appropriation 377 and 374 are intended to fulfill Florida's commitment to provide improved developmental disabilities services, and to redesign the program to provide a consumer-directed, choice-based system.

From the funds in Specific Appropriations 377 and 374, $1,121,213 in General Revenue, and $1,121,213 in Operations and Maintenance Trust Funds are provided for medical case management and medical technical assistance; $300,000 in General Revenue and $300,000 in Operations and Maintenance Trust Funds are provided for choice counseling; and $50,000 in General Revenue and $50,000 in Operations and Maintenance Trust Funds

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are provided to support the addition of a registry of individuals to the ABC system. This registry feature for the ABC system will enable the Developmental Services program to forecast and plan services for persons with developmental disabilities who are potential consumers of services. All remaining funds from these line items shall be used for direct client services. A budget amendment for the release of all or a portion of the lump sum is contingent upon accurately reporting the needs of those persons who are under served waiver participants to the Legislature.

From the funds in Specific Appropriations 377, support coordinators shall be paid at a rate of $148.39 per month per client to a maximum of thirty-six (36) clients per case worker.

From the funds in Specific Appropriation 377, up to $1,700,000 in General Revenue funds and $1,700,000 from the Operations and Maintenance Trust Fund may be used for special studies of the expenditures for services to Home and Community-Based Services Waiver clients, including analysis of service utilization, reimbursement rates, and overall expenditure trends; and to design and implement criteria and review and approval mechanisms intended to ensure that persons enrolled in the waiver receive appropriate services in the most cost effective manner.

Funds in Specific Appropriations 374 and 377 are intended to provide Home and Community-Based Services Waiver Services in accordance with a spending plan developed by the Department of Children and Family Services and submitted to the Executive Office of the Governor for approval by November 1, 2001. Such plan shall include a financially feasible timeframe for providing services to persons who are on waiting lists for fiscal years 1999-2000 and 2000-2001 and those eligible persons who apply for services during fiscal year 2001-2002. Such persons shall be enrolled in the waiver in accordance with the department's policy for serving persons on the waiting list.

378	SPECIAL CATEGORIES START-UP FUNDS/GROUP HOMES		
	FROM GENERAL REVENUE FUND	72,960	
	FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960
379	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER		
	FROM GENERAL REVENUE FUND	179,653	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244
379A	SPECIAL CATEGORIES DEVELOPMENTAL SERVICES PROGRAMS		
	FROM GENERAL REVENUE FUND	1,160,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,500,000

The following projects from Specific Appropriation 379A are funded from recurring General Revenue Funds, unless specifically noted:

HARC Tampa Day Program Facility - Hillsborough County.....	500,000
Best Buddies High Schools, Colleges, And Citizens - Dade County.....	200,000
Interactive Video Technology - Statewide.....	350,000
Family Care Councils - Bay and Monroe Counties (Non-Recurring).....	10,000
Association for the Development of the Exceptional - Dade County.....	100,000

The following project is funded from nonrecurring Tobacco Settlement Trust Funds:

Daystar Adult Day Training Center Pilot Program.....	1,500,000

From the recurring General Revenue funds in Specific Appropriation 379A, $350,000 is provided for a contract with C-NOW for an interactive video project. Matching funds of $350,000 in cash or in-kind match are required.

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379B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DEVELOPMENTAL SERVICES FACILITIES		
	FROM GENERAL REVENUE FUND	500,000	

The following project in Specific Appropriation 379B is funded from nonrecurring General Revenue Funds:

Group Homes for Individuals with Disabilities/Construction Funds - Center for Independence - Pasco County.....	500,000

Funds in Specific Appropriation 379B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES

FROM GENERAL REVENUE FUND	265,371,570	
FROM TRUST FUNDS		412,453,272
TOTAL POSITIONS	302	
TOTAL ALL FUNDS		677,824,842

IN-HOME SERVICES FOR DISABLED ADULTS

380	SALARIES AND BENEFITS POSITIONS 50		
	FROM GENERAL REVENUE FUND	1,201,719	
	FROM ADMINISTRATIVE TRUST FUND		317,747
	FROM TOBACCO SETTLEMENT TRUST FUND		15,576
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		339,620
381	EXPENSES		
	FROM GENERAL REVENUE FUND	171,601	
	FROM ADMINISTRATIVE TRUST FUND		92,186
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		44,833
382	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	977	
383	SPECIAL CATEGORIES HOME CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,219,860	
384	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,724,866	
385	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	243,623	
	FROM ADMINISTRATIVE TRUST FUND		16,160
	FROM TOBACCO SETTLEMENT TRUST FUND		750,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		13,354

Of the funds in Specific Appropriation 385, the department and the Agency for Health Care Administration may request a Medicaid waiver for persons with Cystic Fibrosis. A portion of the resources must be kept for those who do not meet Medicaid eligibility. From resources allocated for Cystic Fibrosis, implementation of this waiver shall not reduce services to non-Medicaid individuals currently served.

386	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	2,453,881	
	FROM TOBACCO SETTLEMENT TRUST FUND		581,425
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,159,406

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387 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 344,609

388 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,635

TOTAL: IN-HOME SERVICES FOR DISABLED ADULTS

FROM GENERAL REVENUE FUND 9,367,771
FROM TRUST FUNDS 6,330,307

TOTAL POSITIONS 50
TOTAL ALL FUNDS 15,698,078

PROGRAM MANAGEMENT AND COMPLIANCE

389 SALARIES AND BENEFITS POSITIONS 229
FROM GENERAL REVENUE FUND 7,164,461
FROM ADMINISTRATIVE TRUST FUND 184,559
FROM FEDERAL GRANTS TRUST FUND 24,032
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,999,034

390 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,078
FROM GRANTS AND DONATIONS TRUST FUND . . . 120,651

391 EXPENSES
FROM GENERAL REVENUE FUND 1,175,318
FROM ADMINISTRATIVE TRUST FUND 1,152
FROM GRANTS AND DONATIONS TRUST FUND . . . 159,206
FROM OPERATIONS AND MAINTENANCE TRUST FUND 522,595
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 612

392 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7
FROM ADMINISTRATIVE TRUST FUND 17

393 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 972,753
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,510

From the funds in Specific Appropriation 393, the following issue is funded from recurring General Revenue:

Best Buddies, Florida - Statewide..... 200,000

394 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 339,519
FROM FEDERAL GRANTS TRUST FUND 18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND 35,799

From the funds in Specific Appropriation 394, $50,000 from recurring General Revenue is provided to continue the Independent Living for Retarded Adults non-profit organization in Marion County.

395 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 323,044

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND 9,979,180
FROM TRUST FUNDS 4,073,639

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TOTAL POSITIONS 229
TOTAL ALL FUNDS 14,052,819

PROGRAM: MENTAL HEALTH PROGRAM

From the funds in Specific Appropriation 396 through 423, the Mental Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Average annual number of days spent in the community (not in institutions or other facilities) for adults with a serious and persistent mental illness	350
2. Annual days serious emotionally disturbed (SED) children (excluding those in juvenile justice facilities) spend in the community	341

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

VIOLENT SEXUAL PREDATOR PROGRAM

396 SALARIES AND BENEFITS POSITIONS 8
FROM GENERAL REVENUE FUND 837,367

397 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 81,814

398 EXPENSES
FROM GENERAL REVENUE FUND 323,574

398A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,000

399 LUMP SUM
INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE POSITIONS 11
FROM GENERAL REVENUE FUND 19,064,487

399A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,992,877

From funds in Specific Appropriation 399A, the department shall transfer $10,000 to the Correctional Privatization Commission for the purpose of negotiating and implementing contracts with the selected vendor for the 600 bed Sexual Violent Predator facility in Desoto County.

TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM

FROM GENERAL REVENUE FUND 23,320,119

TOTAL POSITIONS 19
TOTAL ALL FUNDS 23,320,119

ADULT COMMUNITY MENTAL HEALTH SERVICES

399B LUMP SUM
COMMUNITY TREATMENT INTIATIVES
FROM GENERAL REVENUE FUND 7,774,869
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 975,000
FROM FEDERAL GRANTS TRUST FUND 1,007,500

Funds in Specific Appropriation 399B shall be held in reserve until February 1, 2002 and shall not be released until the department prepares

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an analysis of the expenditures, encumbrances and planned expenditures for the conversion activities related to G. Pierce Wood Hospital. Any funds not required for this conversion shall be immediately available for mental health service needs in the remaining areas of the state. The department shall prepare a plan for the use of these funds and submit the plan and related budget amendment to the Legislative Budget Commission for approval. Residents shall not be transitioned from G.P. Wood Hospital unless there is an appropriate individualized placement alternative available for the resident with all necessary community supports.

400 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	112,096,788	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		18,035,914
FROM TOBACCO SETTLEMENT TRUST FUND		8,692,633
FROM FEDERAL GRANTS TRUST FUND		15,240,637
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,131,228

From the funds in Specific Appropriation 400, the following issues are funded from recurring General Revenue unless specifically noted:

Court Cottages in the Pines - Broward County.....	100,000
Family Emergency Treatment Center - Manatee County.....	1,000,000
Wayne Densch Center - Orange County.....	200,000
Charlotte Community Mental Health - Charlotte County.....	100,000
Henderson Mental Health Center - Broward County.....	200,000
Senior Mobile Crisis Teams.....	200,000
Community Domicilliary Project (continuation) - Serenity House - Volusia County.....	339,000

From the funds in Specific Appropriation 400, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Henderson Mental Health Center - Broward County.....	200,000

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 400 results in state match requirements exceeding $13,000,000, the Department of Children and Family Services shall transfer General Revenue as necessary from Specific Appropriation 400. The Department of Children and Family Services shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 65E-15.

From the funds in Specific Appropriation 400, the Department of Children and Family Services Mental Health Program shall contract with Manatee Glens Corporation in Manatee County and with Coastal Recovery Centers, Inc. in Sarasota County to continue to fund an Assertive Community Treatment Team (ACT) with each of these providers to serve individuals with severe and persistent mental illness in the G. Pierce Wood Memorial Hospital catchment area.

From the funds in Specific Appropriation 400, $7,644,579 in recurring Tobacco Settlement Trust Funds is to be allocated to the Department of Children and Family Services to increase services to persons with severe and persistent mental illness as follows:

District 4.....	1,620,465
District 7.....	5,024,008
District 11.....	1,000,106

From the federal Mental Health Block Grant or other funds, the Department of Children and Family Services may contract with NAMI Florida, Inc. for the following purposes:

1. To consult with the Department of Children and Family Services and Agency for Health Care Administration in the implementation of the Olmstead decision in an accountable and outcome performance-based manner in Florida, and

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2. To facilitate or provide assistance to individuals with serious and persistent mental illnesses and their families, which may include: toll-free help line, support groups and educational programs for people with mental illness and their families, using culturally and racially sensitive approaches and other informal means of reducing the demand on taxpayer-funded services.

The Department of Children and Family Services shall ensure that all meetings impacting statewide funding, policy and planning discussions with contract providers include representation from mental health advocates and family members in accordance with the Mental Health Block Grant and Olmstead decision.

401 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES

FROM GENERAL REVENUE FUND	54,417,843	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,099,807

From the funds in Specific Appropriations 400 and 401, the Department of Children and Family Services is authorized to transfer funds between specific appropriations 408, 410, and 414 in order to achieve maximum utilization of these dollars and to provide services to G. Pierce Wood Memorial Hospital residents and specific transition staff.

402 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM

FROM GENERAL REVENUE FUND	6,445,203	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,000,000

402A SPECIAL CATEGORIES
MENTAL HEALTH PROGRAMS

FROM GENERAL REVENUE FUND	3,932,463	
FROM TOBACCO SETTLEMENT TRUST FUND		200,000

From the funds in Specific Appropriation 402A, the following mental health projects are from recurring General Revenue unless specifically noted:

Short Term Treatment Residence (Alternative To State Hospitalization) - Hillsborough County.....	250,000
Douglas Garden Community Mental Health Center - HIV/AIDS Mental Health Services - Dade County.....	350,000
New Horizons of Treasure Coast - Indigent Drug Program Indian River, Martin, Palm Beach and St. Lucie Counties.....	200,000
Family Emergency Treatment Center - Sarasota County (Non-Recurring).....	500,000
Residential Level 2 Housing - Charlotte, Desoto, Manatee, Sarasota Counties (Non-Recurring).....	500,000
Ruth Cooper Center Crisis Stabilization Unit - Charlotte, Collier, Desoto, Glades, Lee and Sarasota Counties.....	180,000
Dual Diagnosis Continuum serving Orange, Osceola, and Seminole Counties (Non-Recurring).....	654,213
Fellowship House Comprehensive Service Improvement in Dade County (Non-Recurring).....	448,250
Short-term Residential (SRT) Bed Expansion in Orange County (Non-Recurring).....	150,000
Camillus Life Center in Dade County (Non-Recurring).....	250,000
Family Emergency Treatment Center - Pinellas County.....	350,000
Miami Dade County Homeless Trust - Dade County.....	100,000

From the funds in Specific Appropriation 402A, the following mental health project is funded from recurring Tobacco Settlement Trust Funds:

Wayne Densch Center - Orange County.....	200,000

TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	184,667,166	
FROM TRUST FUNDS		49,382,719

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TOTAL ALL FUNDS 234,049,885

CHILDREN'S MENTAL HEALTH SERVICES

403 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 25,803,392
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 9,382,756
FROM TOBACCO SETTLEMENT TRUST FUND 612,772
FROM FEDERAL GRANTS TRUST FUND 1,052,035
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,587,999

From the funds in Specific Appropriation 403, $250,000 is provided from recurring Alcohol, Drug Abuse and Mental Health Trust Fund for the Infant and Young Child's Mental Health Program - statewide.

From the funds in Specific Appropriation 403, the following issues are funded from recurring General Revenue unless specifically noted:

Children's Medical Director- New Horizons/Treasure Coast.... 100,000
Children's Crisis Stabilization Unit - District 8..... 318,645
IMPACT Community Services (Non-Recurring)..... 1,429,353
Children's Comprehensive Behavioral Services (Non-Recurring)..... 1,350,000

404 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,356,919
FROM FEDERAL GRANTS TRUST FUND 10,747,457

405 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 9,047,814

406 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 20,097,166

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to $6 million from the General Revenue Fund in Specific Appropriation 406 to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease.

407 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 9,388,781
FROM GRANTS AND DONATIONS TRUST FUND . . . 725,193

From the funds in Specific Appropriation 407, the following issue is funded from recurring General Revenue:

Manatee Glens - Children's Baker Act Services..... 480,573

TOTAL: CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND 72,694,072
FROM TRUST FUNDS 27,108,212

TOTAL ALL FUNDS 99,802,284

ADULT MENTAL HEALTH TREATMENT FACILITIES

408 SALARIES AND BENEFITS POSITIONS 5,449
FROM GENERAL REVENUE FUND 105,311,812
FROM ADMINISTRATIVE TRUST FUND 2,292,200
FROM OPERATIONS AND MAINTENANCE TRUST FUND 88,818,020

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409 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,076,928

410 EXPENSES
FROM GENERAL REVENUE FUND 17,317,332
FROM ADMINISTRATIVE TRUST FUND 342,513
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,359,115

411 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 541,155
FROM OPERATIONS AND MAINTENANCE TRUST FUND 980,093

412 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 3,467,825

414 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 27,125,107
FROM OPERATIONS AND MAINTENANCE TRUST FUND 14,162,514

From the funds in Specific Appropriation 414, the following issue is funded from recurring General Revenue:

West Florida Community Care Center - Escambia County..... 425,000

From the funds in Specific Appropriation 414, $1,306,000 in non-recurring Operations and Maintenance Trust Fund is provided to address cost overruns that occurred during the construction of the new facility at South Florida State Hospital. In addition, $540,000 in recurring General Revenue is provided to address the 3% pay adjustment for salary-related cost of living increases in the management contract for that same facility.

415 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 2,146,394

416 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 5,261,212
FROM ADMINISTRATIVE TRUST FUND 8,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 705,388

417 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,076,924

418 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 90,969

TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES

FROM GENERAL REVENUE FUND 167,415,658
FROM TRUST FUNDS 116,659,843

TOTAL POSITIONS 5,449
TOTAL ALL FUNDS 284,075,501

PROGRAM MANAGEMENT AND COMPLIANCE

419 SALARIES AND BENEFITS POSITIONS 145
FROM GENERAL REVENUE FUND 6,714,672
FROM ADMINISTRATIVE TRUST FUND 37,209
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 348,926
FROM TOBACCO SETTLEMENT TRUST FUND 148,355
FROM FEDERAL GRANTS TRUST FUND 263,889

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420	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,640	
	FROM ADMINISTRATIVE TRUST FUND		34,535
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		16,000
	FROM TOBACCO SETTLEMENT TRUST FUND		37,856
421	EXPENSES		
	FROM GENERAL REVENUE FUND	1,124,607	
	FROM ADMINISTRATIVE TRUST FUND		152,747
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		122,592
	FROM TOBACCO SETTLEMENT TRUST FUND		39,125
	FROM FEDERAL GRANTS TRUST FUND		43,032

From the funds in Specific Appropriation 421, $166,794 from recurring General Revenue and $85,924 from the Administrative Trust Fund are provided to implement the provisions of Senate Bill 1258 or similar legislation which becomes law.

422	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,818	
	FROM ADMINISTRATIVE TRUST FUND		17
423	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	48,785	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	7,999,522	
FROM TRUST FUNDS		1,244,283
TOTAL POSITIONS	145	
TOTAL ALL FUNDS		9,243,805

PROGRAM: SUBSTANCE ABUSE PROGRAM

From the funds in Specific Appropriation 424 through 431B, the Substance Abuse Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures-Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of children with substance abuse who are drug free during 12 months following completion of treatment	52%
2. Percent of adults who are drug free during the 12 months following completion of treatment	54%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROGRAM MANAGEMENT AND COMPLIANCE

424	SALARIES AND BENEFITS POSITIONS 70		
	FROM GENERAL REVENUE FUND	1,876,784	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		896,264
	FROM FEDERAL GRANTS TRUST FUND		457,841
425	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,774	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		505,845
	FROM FEDERAL GRANTS TRUST FUND		6,000

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426	EXPENSES		
	FROM GENERAL REVENUE FUND	308,260	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		198,774
	FROM FEDERAL GRANTS TRUST FUND		291,590
427	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,554	
428	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	170,840	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,859
429	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	25,458	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	2,424,670	
FROM TRUST FUNDS		2,368,173
TOTAL POSITIONS	70	
TOTAL ALL FUNDS		4,792,843

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

430	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	24,476,388	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		26,748,873
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM TOBACCO SETTLEMENT TRUST FUND		3,012,920
	FROM FEDERAL GRANTS TRUST FUND		640,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		90,000

From the funds in Specific Appropriations 430 and 431, the department may not make payment to a private provider for alcohol, drug abuse and mental health services, unless standard client demographic, service, and outcome information required for the department's Mental Health and Substance Abuse Data System is submitted to the department by the provider within the due date specified in the provider contract. The Mental Health and Substance Abuse Measures Guide specifies the requirements for client demographic, service, and outcome information.

From the funds in Specific Appropriation 430, the following projects are funded from recurring General Revenue unless specifically noted:

Roots N' Wings - Broward County	25,000
Disc Village, Inc. Adolescent Treatment Program.- Big Bend	125,000
The Compass Program - Dade County (Non-Recurring)	200,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

FROM GENERAL REVENUE FUND	24,476,388	
FROM TRUST FUNDS		40,076,780
TOTAL ALL FUNDS		64,553,168

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

431	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,341,191	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL		

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HEALTH TRUST FUND	59,744,993
FROM TOBACCO SETTLEMENT TRUST FUND	6,418,998
FROM FEDERAL GRANTS TRUST FUND	16,097,500
FROM GRANTS AND DONATIONS TRUST FUND . . .	637,300
FROM OPERATIONS AND MAINTENANCE TRUST FUND	290,880

From the funds in Specific Appropriation 431, $500,000 is provided in recurring Federal Grants Trust Funds (Temporary Assistance to Needy Families) to continue to expand the Center for Drug Free Living's Women and Infant's Residential Program in Brevard County. $725,000 in recurring Federal Grants Trust Fund is provided to Gateway Community Services - Duval County, and $362,500 in recurring Federal Grants Trust Fund is provided to the Center for Drug Free Living - Brevard, Orange, Osceola and Seminole Counties.

From the funds in Specific Appropriation 431, the following issues are from recurring General Revenue:

New Horizons Dual Diagnosis Aftercare - Dade County.....	100,000
Addiction Treatment Services - District 12.....	91,000
New Beginnings Program Renewal - District 12.....	150,000
Stewart Marchman Center - Flagler and Volusia Counties.....	1,043,217

431A SPECIAL CATEGORIES
SUBSTANCE ABUSE PROGRAMS
FROM GENERAL REVENUE FUND 3,550,000

The following projects from Specific Appropriation 431A, are funded from recurring General Revenue Funds unless specifically noted:

Adolescent Residential Substance Abuse Treatment Facility - Charlotte, Desoto, Manatee and Sarasota Counties.....	1,000,000
The Starting Place - Broward, Dade And Palm Beach Counties..	450,000
Passage Way Aftercare Project - Volusia County.....	200,000
Here's Help - Dade County.....	100,000
Joshua House/Transitional Housing for Recovering Addicts (Non-Recurring).....	100,000
Safeport - Key West (Non-Recurring).....	50,000
STEPS Women with Children Program - Residential for Substance Abusing Women with Co-occurring Disorders and other stressors-Orange, Osceola, Seminole/Brevard Counties (Non-Recurring).....	150,000
Coconut Grove Behavioral Center - Dade County.....	200,000
Village Adolescent Treatment Program for Dually Diagnosed Girls - Dade County.....	500,000
Informed Families of Florida - Statewide (Non-Recurring)....	800,000

431B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
MENTAL HEALTH/SUBSTANCE ABUSE FACILITIES
FROM GENERAL REVENUE FUND 553,000

The following projects from Specific Appropriation 431B, are funded from nonrecurring General Revenue Funds:

Human Services Associates - Orange County.....	422,000
Crawford/Monarch Houses - Broward County.....	131,000

Funds in Specific Appropriation 431B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

FROM GENERAL REVENUE FUND	27,444,191	
FROM TRUST FUNDS		83,189,671
TOTAL ALL FUNDS		110,633,862

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PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

From the funds in Specific Appropriation 432 through 466, the Economic Self-Sufficiency Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of all applications processed within time standards	99.0%
2. Percent of suspected fraud cases referred that result in front-end fraud prevention savings	70.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMPREHENSIVE ELIGIBILITY SERVICES

432	SALARIES AND BENEFITS POSITIONS	7,278	
	FROM GENERAL REVENUE FUND	130,530,072	
	FROM ADMINISTRATIVE TRUST FUND		107,060,630
433	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,452,743	
	FROM ADMINISTRATIVE TRUST FUND		2,193,431
434	EXPENSES		
	FROM GENERAL REVENUE FUND	24,333,804	
	FROM ADMINISTRATIVE TRUST FUND		21,252,827
435	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,162	
	FROM ADMINISTRATIVE TRUST FUND		154,025
436	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,405,462	
	FROM ADMINISTRATIVE TRUST FUND		1,038,393
437	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,470,309	
	FROM ADMINISTRATIVE TRUST FUND		1,465,127

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES

FROM GENERAL REVENUE FUND	160,197,552	
FROM TRUST FUNDS		133,164,433
TOTAL POSITIONS	7,278	
TOTAL ALL FUNDS		293,361,985

PROGRAM MANAGEMENT AND COMPLIANCE

438	SALARIES AND BENEFITS POSITIONS	279	
	FROM GENERAL REVENUE FUND	7,684,828	
	FROM ADMINISTRATIVE TRUST FUND		5,465,560
	FROM FEDERAL GRANTS TRUST FUND		35,429
	FROM REFUGEE ASSISTANCE TRUST FUND		4,380
439	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	23,466	
	FROM ADMINISTRATIVE TRUST FUND		97,039

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440 EXPENSES
FROM GENERAL REVENUE FUND 4,559,765
FROM ADMINISTRATIVE TRUST FUND 3,721,563
FROM FEDERAL GRANTS TRUST FUND 20,835

441 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,574
FROM ADMINISTRATIVE TRUST FUND 14,233

442 LUMP SUM
HOMELESS PROGRAM
POSITIONS 2
FROM GENERAL REVENUE FUND 5,000,000

From the recurring General Revenue funds in Specific Appropriation 442, $177,332 shall be retained by the Department of Children and Family Services to fund two full-time administrative positions to support the Homeless Program; $625,000 shall be utilized to fund one full-time position in each of the Local Coalitions for the Homeless, and $197,668 shall be used to fund an increase in the homeless grant-in-aid program annual appropriation. The remaining sum of $4 million shall be used to provide additional services to the homeless pursuant to the "Challenge Grants" program authorized in s. 420.622, Florida Statutes.

443 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 725,000
FROM ADMINISTRATIVE TRUST FUND 3,294,394

Funds in Specific Appropriation 443 include recurring General Revenue for the following projects:

Clearwater Homeless Intervention..... 100,000
Goodwill Industries of South Florida - Clothing..... 500,000
Broward Partnership for the Homeless..... 100,000

Specific Appropriation 443 also includes non-recurring General Revenue for the following project:

Opening Doors (Abriendo Puertas)..... 25,000

444 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 148,352
FROM ADMINISTRATIVE TRUST FUND 148,352

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND 18,156,985
FROM TRUST FUNDS 12,801,785

TOTAL POSITIONS 281
TOTAL ALL FUNDS 30,958,770

FRAUD PREVENTION AND BENEFIT RECOVERY

445 SALARIES AND BENEFITS POSITIONS 200
FROM GENERAL REVENUE FUND 2,182,416
FROM ADMINISTRATIVE TRUST FUND 4,642,783

446 EXPENSES
FROM GENERAL REVENUE FUND 506,154
FROM ADMINISTRATIVE TRUST FUND 1,758,687

447 SPECIAL CATEGORIES
PUBLIC ASSISTANCE FRAUD CONTRACT
FROM GENERAL REVENUE FUND 47,752
FROM ADMINISTRATIVE TRUST FUND 4,447,752

448 SPECIAL CATEGORIES
FOOD STAMP REINVESTMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000

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TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY

FROM GENERAL REVENUE FUND 2,736,322
FROM TRUST FUNDS 13,849,222

TOTAL POSITIONS 200
TOTAL ALL FUNDS 16,585,544

SPECIAL ASSISTANCE PAYMENTS

449 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL EMERGENCY
SHELTER GRANT PROGRAM
FROM GENERAL REVENUE FUND 988,322
FROM ADMINISTRATIVE TRUST FUND 1,800,000
FROM FEDERAL GRANTS TRUST FUND 3,034,474

450 FINANCIAL ASSISTANCE PAYMENTS
ADULT CONGREGATE LIVING FACILITY CARE
SUPPLEMENT
FROM GENERAL REVENUE FUND 24,403,695

Funds in Specific Appropriations 450 and 451 may be expended by the department to increase the Optional State Supplementation personal needs allowance from $43 per month per client to $54 per month per client. The increase in personal needs allowance is contingent upon federal approval of a Medicaid state plan amendment authorized for Specific Appropriations 450 and 451.

451 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 2,129,325

From the funds in Specific Appropriations 450 and 451, the Department of Children and Family Services is authorized to transfer funds necessary to implement Medicaid coverage for assistive care services. These funds are contingent upon the availability of state match being provided in accordance with Specific Appropriation 281. This transfer is contingent upon federal approval of a Medicaid state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, and are eligible for the state's Optional State Supplementation Program.

452 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 314,456

TOTAL: SPECIAL ASSISTANCE PAYMENTS

FROM GENERAL REVENUE FUND 27,835,798
FROM TRUST FUNDS 4,834,474

TOTAL ALL FUNDS 32,670,272

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

453 SALARIES AND BENEFITS POSITIONS 5
FROM ADMINISTRATIVE TRUST FUND 274,810

454 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 139,275

455 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 438,225

456 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 5,153

458 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

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FROM ADMINISTRATIVE TRUST FUND	4,342,712
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	2,105,274

459 SPECIAL CATEGORIES
RESPITE CHILD CARE FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS
FROM FEDERAL GRANTS TRUST FUND 2,000,000

From the funds appropriated in Specific Appropriation 459, up to $2 million may be used to purchase respite child care services for up to 30 days for children eligible for subsidized child care whose families need short-term emergency child care for reasons such as family illness, crisis intervention, hospital stays, and other respite situations. Settings may include, but are not limited to hospital-based mildly ill child care programs. The department is authorized to pay the private pay rate for the hospital-based care. If the child is already enrolled in subsidized child care, payments to the regular subsidized provider may also be made for up to five days per month while the child is receiving services in the hospital-based program.

459A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WAGES

FROM GENERAL REVENUE FUND	80,813,336	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		35,584,384
FROM FEDERAL GRANTS TRUST FUND		95,496,924

Funds in Specific Appropriation 459A are provided for child care services to WAGES recipients; however, by September 30, 2001, the Social Services Estimating Conference shall determine projected utilization rates for WAGES and working poor child care. In the event a surplus is projected and there is a determined need in the working poor child care category, the Executive Office of the Governor may transfer, pursuant to the provisions of Chapter 216, Florida Statutes, the surplus funding to address the shortfall. In no instance shall this transfer create an annualization cost in the working poor child care category. The transfer of these funds shall provide for the maximum utilization of child care slots for all populations served.

From funds in Specific Appropriation 459A, up to $1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 459A may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

459B SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WORKING POOR AND AT-RISK FAMILIES

FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	273,309,533
FROM FEDERAL GRANTS TRUST FUND	60,472,784
FROM GRANTS AND DONATIONS TRUST FUND . . .	4,700,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	5,000

From funds in Specific Appropriation 459B, up to $1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

From funds in Specific Appropriation 459B, up to $15 million may be used as match to provide services to low income families at or below 200 percent of poverty who participate in the Child Care Executive Partnership Program as defined in s. 409.178, Florida Statutes. Up to 25 percent of the $15 million may be used by the Child Care Executive Partnership to match funds on a statewide basis, administered through the statewide resource and referral agency.

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Funds in Specific Appropriation 459B may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

Funds in Specific Appropriation 459B shall require a six percent match from local sources. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed for WAGES participants, Transitional Child Care participants, or children at risk of abuse and neglect.

460 FINANCIAL ASSISTANCE PAYMENTS
CASH ASSISTANCE

FROM GENERAL REVENUE FUND	210,141,212	
FROM ADMINISTRATIVE TRUST FUND		10,000,000

TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS

FROM GENERAL REVENUE FUND	290,954,548	
FROM TRUST FUNDS		488,874,074
TOTAL POSITIONS	5	
TOTAL ALL FUNDS		779,828,622

REFUGEES

461 SALARIES AND BENEFITS POSITIONS	21	
FROM ADMINISTRATIVE TRUST FUND		963,889
462 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		165,272
463 EXPENSES		
FROM ADMINISTRATIVE TRUST FUND		301,190
464 SPECIAL CATEGORIES		
GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		39,809,114
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		60,706
465 SPECIAL CATEGORIES		
SERVICES TO REPATRIATED AMERICANS		
FROM FEDERAL GRANTS TRUST FUND		40,380
466 FINANCIAL ASSISTANCE PAYMENTS		
REFUGEE/ENTRANT ASSISTANCE		
FROM REFUGEE ASSISTANCE TRUST FUND		5,590,195
TOTAL: REFUGEES		
FROM TRUST FUNDS		46,930,746
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		46,930,746

ELDER AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 467 through 502, the Services to Elders Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of elders the CARES program determined eligible for nursing home placement who are diverted into the	

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| community.....19.7%|
|2. Percent of most frail elders who remain at home or in the |
| community instead of going into a nursing home..... 93.0%|
|.....|
|Additional approved measures and standards are established in the FY |
|2001-2002 Implementing Bill and are incorporated herein by reference.|
| |
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PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

467	SALARIES AND BENEFITS POSITIONS	197	
	FROM GENERAL REVENUE FUND	2,357,871	
	FROM TOBACCO SETTLEMENT TRUST FUND		145,971
	FROM FEDERAL GRANTS TRUST FUND		40,912
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,932,350
468	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	151,887	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		473,378
469	EXPENSES		
	FROM GENERAL REVENUE FUND	436,892	
	FROM TOBACCO SETTLEMENT TRUST FUND		43,094
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,437,759
470	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,951	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		35,854
471	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	17,715	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,011
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,654
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES			
	FROM GENERAL REVENUE FUND	2,976,316	
	FROM TRUST FUNDS		8,118,983
	TOTAL POSITIONS	197	
	TOTAL ALL FUNDS		11,095,299

HOME AND COMMUNITY SERVICES

473	SALARIES AND BENEFITS POSITIONS	71	
	FROM GENERAL REVENUE FUND	1,360,784	
	FROM ADMINISTRATIVE TRUST FUND		137,297
	FROM FEDERAL GRANTS TRUST FUND		1,645,736
	FROM GRANTS AND DONATIONS TRUST FUND . . .		44,418
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		413,314
474	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,074	
	FROM FEDERAL GRANTS TRUST FUND		77,992
475	EXPENSES		
	FROM GENERAL REVENUE FUND	75,385	
	FROM ADMINISTRATIVE TRUST FUND		44,225
	FROM FEDERAL GRANTS TRUST FUND		263,282
	FROM GRANTS AND DONATIONS TRUST FUND . . .		99,594
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		43,114

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476	LUMP SUM		
	HOME AND COMMUNITY SERVICES LONG TERM CARE OPTIONS		
	FROM GENERAL REVENUE FUND	7,750,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,045,637

Funds in Specific Appropriation 476 shall be used for the Home and Community Based Services Waiver, the Assisted Living for the Elderly Medicaid Waiver, and the Nursing Home Diversion Waiver and shall be allotted as determined by the department pursuant to the provisions of Chapter 216, Florida Statutes.

From funds in Specific Appropriation 476 and 486, the department may give priority consideration in allocating funds for Medicaid qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the elderly Medicaid waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

477	SPECIAL CATEGORIES		
	AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,493
478	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
	FROM GENERAL REVENUE FUND	4,034,824	
	FROM TOBACCO SETTLEMENT TRUST FUND		189,000

From the funds in Specific Appropriation 478, $800,000 in recurring General Revenue funds is provided for the Alzheimer's Community Care Association in Palm Beach and Martin Counties.

479	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES		
	FROM GENERAL REVENUE FUND	7,301,939	
	FROM TOBACCO SETTLEMENT TRUST FUND		500,000
480	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	47,142,591	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,901,184
	FROM FEDERAL GRANTS TRUST FUND		249,025
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		750,000

From funds in Specific Appropriation 480, a minimum of $35,000 from General Revenue may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly, except for those Area Agencies on Aging who competitively procure Community Care for the Elderly services through the request for proposal process directed in Chapter 430, Florida Statutes, where the department may contractually negotiate a higher amount not to exceed $70,000 per Area Agency on Aging to address workload issues related to contract management.

Of the funds in Specific Appropriation 480, the department may allocate funds in Planning and Service Areas (PSA) to support CCE caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

From the funds in Specific Appropriation 480, $500,000 from recurring General Revenue shall continue to be provided for the Department of Elder Affairs Dementia Caregivers Initiative. This initiative continues the contract with the University of Florida Health Science Center for a Dementia Caregivers Telehealth Pilot Project that will provide statewide information and a support hotline for caregivers of the elderly with dementia and provides for the Stroke and Neurobehavioral Rehabilitation Project, which focuses on prevention, treatment, rehabilitation and community reintegration following strokes.

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481 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,000,758

482 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 79,001,460

483 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,628,868
FROM TOBACCO SETTLEMENT TRUST FUND 600,000
FROM FEDERAL GRANTS TRUST FUND 7,664,449
FROM GRANTS AND DONATIONS TRUST FUND . . . 277,375
FROM OPERATIONS AND MAINTENANCE TRUST FUND 213,376

Of the funds in Specific Appropriation 483, the following shall apply to the RELIEF respite program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. The department shall continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program, not to exceed $40,000 per Planning and Service Area.

From the funds in Specific Appropriation 483, $40,000 in General Revenue is provided for each Planning and Service Area (PSA) to continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program.

484 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY STAFF TRAINING
FROM ADMINISTRATIVE TRUST FUND 617,500

485 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 22,837,925
FROM TOBACCO SETTLEMENT TRUST FUND 8,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 39,072,998

Of the funds in Specific Appropriation 485, the department may allocate funds in Planning and Service Areas (PSA) to support Medicaid waiver caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

Of the funds in Specific Appropriation 485, up to $4,039,000 may be used to implement a consumer directed care project, subject to the approval of a waiver by the Federal Health Care Financing Administration.

From the funds in Specific Appropriation 485, $6,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Home and Community Based Services Waiver serving the elderly.

From the funds in Specific Appropriation 485 for the Home and Community Based Services Medicaid Waiver program, and after consultation and approval of the affected Area Agencies on Aging, the department may contract with public or private entities for any authorized demonstration project to demonstrate the effectiveness of comprehensive day treatment services to seniors as provided in Section 430.6001, Florida Statutes.

486 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 5,516,149
FROM TOBACCO SETTLEMENT TRUST FUND 5,000,000
FROM FEDERAL GRANTS TRUST FUND 1,294,321
FROM OPERATIONS AND MAINTENANCE TRUST FUND 12,168,409

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From the funds in Specific Appropriation 486, $3,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Assisted Living Facility Waiver serving the elderly.

From the funds in Specific Appropriation 476 and/or 486, the department may give priority consideration in allocating funds for Medicaid Qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the Elderly Medicaid Waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

487 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,433,443

From the funds in Specific Appropriation 487, $227,188 in recurring General Revenue is provided to the Jewish Community Services - Miami Beach Senior Center for local services programs.

From the funds in Specific Appropriation 487, elderly care services shall be provided to the following counties and funded from recurring General Revenue:

Pasco/Pinellas..... 1,251,033
Broward..... 814,224
Dade..... 797,860
Hillsborough..... 135,093

488 SPECIAL CATEGORIES
COMMUNITY CARE PROGRAMS FOR THE ELDERLY
FROM GENERAL REVENUE FUND 5,245,046
FROM TOBACCO SETTLEMENT TRUST FUND 200,000

From the funds in Specific Appropriation 488, the following Community Care Programs for the Elderly are from recurring General Revenue unless specifically noted:

Dunedin Senior Center Furnishings and Equipment (Non-Recurring)..... 190,000
Transportation Services for the Elderly and Disabled - Palm Beach County..... 175,000
Conversion of Hill Burton Hospital - Extended Congregate Care - Walton County..... 357,000
Alzheimer's Mobile Services for Rural Areas - Alzheimer's Associates - Charlotte and Desoto Chapter..... 200,000
Senior Wellness Project - Dade County..... 200,000
Prime Time Seniors - Dade County..... 25,000
Austin Hepburn Senior Mini-Center - Broward County..... 100,000
Alzheimer's Services - Dade and Monroe Counties..... 200,000
Senior Citizen Advocacy - Duval County..... 60,000
Alzheimer's Caregiver Program - Dade County..... 200,000
Elder-Ready Nutrition Program - Dade County (nonrecurring).. 260,000
Southwest Social Services Program - Dade County (nonrecurring)..... 485,000
Additional Congregate and Homebound Meals for At-Risk Elderly Non-Ambulatory and Handicapped Residents of the Allapattah - Dade County (nonrecurring)..... 312,000
Safe Communities Lifelong Mobility Center Elder Mobility Project in Palm Beach County (nonrecurring)..... 120,606
City of Sweetwater Elderly Activities Center - Dade (non-recurring)..... 550,000
Immigration Assistance Program (nonrecurring)..... 50,000
Homebound Diabetics Services - Dade (nonrecurring)..... 250,000
High Risk Nutritional Program for Elders - Dade (nonrecurring)..... 1,340,440
Senior Community Outreach - Sarasota County..... 170,000

489A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 900,000
FROM TOBACCO SETTLEMENT TRUST FUND 2,000,000

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The nonrecurring General Revenue funds and Tobacco Settlement Trust funds in Specific Appropriation 489A provided for senior centers shall be allocated as follows:

Regional Senior Resource Center of Manatee County (Tobacco Settlement Funds)	2,000,000
St. Johns County Council on Aging Senior Center	100,000
Alzheimer's Care Center of Titusville - Brevard County	300,000
Autumn House Renovation - Okaloosa	250,000
Hudson-Bayonet Point Senior Enrichment	250,000

Funds in Specific Appropriation 489A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES		
FROM GENERAL REVENUE FUND	107,608,026	
FROM TRUST FUNDS		181,633,957
TOTAL POSITIONS	71	
TOTAL ALL FUNDS		289,241,983

EXECUTIVE DIRECTION AND SUPPORT SERVICES

490 SALARIES AND BENEFITS POSITIONS	78	
FROM GENERAL REVENUE FUND	1,452,173	
FROM FEDERAL GRANTS TRUST FUND		1,946,852
FROM GRANTS AND DONATIONS TRUST FUND		141,493
FROM OPERATIONS AND MAINTENANCE TRUST FUND		428,354

From the funds in Specific Appropriation 490, the Department of Elder Affairs in conjunction with the Agency for Health Care Administration shall review and evaluate the effectiveness of nursing home diversion programs. A report shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2001.

491 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	63,860	
492 EXPENSES		
FROM GENERAL REVENUE FUND	314,657	
FROM ADMINISTRATIVE TRUST FUND		33,564
FROM FEDERAL GRANTS TRUST FUND		917,728
493 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		1,602,462
494 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,377	
FROM ADMINISTRATIVE TRUST FUND		1,825
494A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,288
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	1,850,067	
FROM TRUST FUNDS		5,077,566
TOTAL POSITIONS	78	
TOTAL ALL FUNDS		6,927,633

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CONSUMER ADVOCATE SERVICES

496 SALARIES AND BENEFITS POSITIONS	28	
FROM GENERAL REVENUE FUND	653,700	
FROM TOBACCO SETTLEMENT TRUST FUND		141,319
FROM FEDERAL GRANTS TRUST FUND		404,317
497 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	58,000	
498 EXPENSES		
FROM GENERAL REVENUE FUND	111,712	
FROM TOBACCO SETTLEMENT TRUST FUND		138,354
FROM FEDERAL GRANTS TRUST FUND		860
499 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		800,000
500 SPECIAL CATEGORIES		
PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	652,286	
FROM TOBACCO SETTLEMENT TRUST FUND		23,476
501 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,474	
FROM FEDERAL GRANTS TRUST FUND		2,458
502 SPECIAL CATEGORIES		
LONG TERM CARE OMBUDSMAN COUNCIL		
FROM GENERAL REVENUE FUND	33,203	
TOTAL: CONSUMER ADVOCATE SERVICES		
FROM GENERAL REVENUE FUND	1,510,375	
FROM TRUST FUNDS		1,510,784
TOTAL POSITIONS	28	
TOTAL ALL FUNDS		3,021,159

HEALTH, DEPARTMENT OF

From the funds in Specific Appropriations 503 through 637 any expenditures from the Temporary Assistance for Needy Families block grant shall be in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 503 through 637 any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of Part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

503 SALARIES AND BENEFITS POSITIONS	381	
FROM GENERAL REVENUE FUND	10,749,490	

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FROM ADMINISTRATIVE TRUST FUND		3,112,648
FROM TOBACCO SETTLEMENT TRUST FUND		1,410,305
FROM FEDERAL GRANTS TRUST FUND		796,750
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		349,233
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		334,896
504 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	489,194	
FROM ADMINISTRATIVE TRUST FUND		105,013
FROM TOBACCO SETTLEMENT TRUST FUND		320,357
FROM FEDERAL GRANTS TRUST FUND		165,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		21,114
505 EXPENSES		
FROM GENERAL REVENUE FUND	3,804,525	
FROM ADMINISTRATIVE TRUST FUND		575,537
FROM TOBACCO SETTLEMENT TRUST FUND		671,364
FROM FEDERAL GRANTS TRUST FUND		352,697
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		95,427
506 AID TO LOCAL GOVERNMENTS COMMUNITY HEALTH INITIATIVES		
FROM TOBACCO SETTLEMENT TRUST FUND		150,000
507 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	238,091	
507A SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	100,000	

The recurring funds in Specific Appropriation 507A, are provided to the College of Public Health's Leadership Institute at the University of South Florida.

508 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	320,980	
508A SPECIAL CATEGORIES NATIONAL PARKINSON'S FOUNDATION		
FROM GENERAL REVENUE FUND	1,046,000	

Funds in Specific Appropriation 508A include $295,500 in recurring funds for a respite program in Dade County.

509 SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - MARKETING AND COMMUNICATIONS		
FROM TOBACCO SETTLEMENT TRUST FUND		15,000,000

Funds in Specific Appropriation 509 shall be used to retain the services of an advertising agency with extensive experience in producing ads addressing public policy issues. The advertising agency should have produced ads for statewide TV campaigns in no fewer than ten states with advertising budgets of no less than $1 million in each state. The advertising agency must have recent experience in Florida. The advertising agency must have produced TV ads and implemented a statewide ad campaign in Florida since 1995, and the budget for the TV ad campaign(s) must have exceeded $5 million. The advertising agency must have extensive experience producing TV ads related to health care and must have extensive experience producing TV ads related to health care and must have extensive experience working with experts in polling data.

Funds in Specific Appropriations 509 through 513 shall be expended by the Department of Health in coordination with the Office of Drug Control Policy in the Executive Office of the Governor.

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510 SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - EDUCATION AND TRAINING		
FROM TOBACCO SETTLEMENT TRUST FUND		9,122,000

From the funds in Specific Appropriation 510, $1,620,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided for the enhancement of traffic law and substance abuse education courses to include a tobacco education component. Pursuant to guidelines established by the department, each provider shall be paid $270,000 for providing these courses.

From the funds in Specific Appropriation 510, $500,000 in nonrecurring funds from the Tobacco Settlement Trust Fund shall be provided to the D-FY-IT Program in Dade County.

From funds in Specific Appropriation 510, up to $2,000,000 from the Tobacco Settlement Trust Fund shall be used to distribute the Q-U curriculum through collaboration with 1st year Florida State Medical students. Q-U will be distributed to secondary schools in areas defined in the West Florida Area Health Education Center as defined in Chapter 94-484, Laws of Florida. The Q-U Program is a multi-disciplinary, science-based, interactive program, Q-U is modeled after the current Science, Tobacco and You program for elementary school students.

From the funds in Specific Appropriation 510, $177,000 shall be provided to Fairchild Tropical Gardens for the administration of an education program regarding tobacco and the long-term health effects of smoking.

511 SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - EVALUATION AND RESEARCH		
FROM TOBACCO SETTLEMENT TRUST FUND		2,500,000
512 SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - YOUTH PROGRAMS AND COMMUNITY PARTNERSHIPS		
FROM TOBACCO SETTLEMENT TRUST FUND		9,523,000
513 SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - STATEWIDE MINORITY NETWORK		
FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	16,748,280	
FROM TRUST FUNDS		45,605,341
TOTAL POSITIONS	381	
TOTAL ALL FUNDS		62,353,621

INFORMATION TECHNOLOGY

514A SALARIES AND BENEFITS POSITIONS	71	
FROM GENERAL REVENUE FUND	1,642,267	
FROM ADMINISTRATIVE TRUST FUND		1,203,260
FROM TOBACCO SETTLEMENT TRUST FUND		243,867
FROM FEDERAL GRANTS TRUST FUND		116,806
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		926,153
514B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	55,000	
FROM ADMINISTRATIVE TRUST FUND		231,000
514C EXPENSES		
FROM GENERAL REVENUE FUND	409,595	
FROM ADMINISTRATIVE TRUST FUND		9,945,505
FROM TOBACCO SETTLEMENT TRUST FUND		1,132,466
FROM FEDERAL GRANTS TRUST FUND		1,513,231
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,502,911

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514D OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,948,143
FROM FEDERAL GRANTS TRUST FUND 237,730

From the funds in Specific Appropriations 514C and 514D, $200,000 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. to monitor the Integrated Health Information Systems project. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

515 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,691

515A DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 2,839
FROM ADMINISTRATIVE TRUST FUND 5,301,305

515B DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 102,713

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 2,116,392
FROM TRUST FUNDS 25,405,090

TOTAL POSITIONS 71
TOTAL ALL FUNDS 27,521,482

PROGRAM: COMMUNITY PUBLIC HEALTH

From the funds in Specific Appropriations 517 through 587, the Community Public Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. AIDS case rate per 100,000 population	33.18
2. Food and waterborne disease outbreaks per 10,000 facilities regulated by the Department of Health	3.5%
3. Infant mortality rate per 1,000 live births	6.7

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FAMILY HEALTH SERVICES

517 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 2,158,062
FROM ADMINISTRATIVE TRUST FUND 123,064
FROM FEDERAL GRANTS TRUST FUND 4,863,271
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,388
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 604,900

518 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 55,649
FROM FEDERAL GRANTS TRUST FUND 207,321
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 102,074
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 93,482

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519 EXPENSES
FROM GENERAL REVENUE FUND 732,683
FROM ADMINISTRATIVE TRUST FUND 2,195,863
FROM TOBACCO SETTLEMENT TRUST FUND 223,421
FROM FEDERAL GRANTS TRUST FUND 6,616,151
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,273
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 866,632
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 3,055,335

520 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 5,769,168
FROM FEDERAL GRANTS TRUST FUND 1,094,283

From the recurring General Revenue Funds in Specific Appropriation 520, $22,140 is provided for a Colposcopy contract with the Alachua County Health Department and $115,759 is provided for the Northeast Florida Planned Parenthood.

521 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 2,438,870
FROM FEDERAL GRANTS TRUST FUND 300,000

522 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND 1,340,000

From the Epilepsy Services Trust Fund in Specific Appropriation 522 and from any revenues of the Epilepsy Services Trust Fund, the Department of Health shall limit administrative expenditures to 5% of annual receipts.

523 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM FEDERAL GRANTS TRUST FUND 68,802,986

524 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 5,280,749
FROM TOBACCO SETTLEMENT TRUST FUND 539,221

From the recurring General Revenue Funds in Specific Appropriation 524, $187,084 is provided for Planned Parenthood contracts in Collier and Sarasota Counties.

525 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 23,027,692
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 500,000

526 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 366,747

527 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 28,165,230
FROM FEDERAL GRANTS TRUST FUND 13,000,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 2,719,492

From the recurring General Revenue Funds in Specific Appropriation 527, $70,000 is provided for a Midwifery contract with the University of Florida, and $80,000 is provided for a Midwifery contract with the University of South Florida.

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528 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 901,969
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 4,500,265

529 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 18,521,881
FROM TOBACCO SETTLEMENT TRUST FUND 3,000,000
FROM FEDERAL GRANTS TRUST FUND 1,000,000

From the recurring General Revenue Funds in Specific Appropriation 529, $500,000 is provided for a School Health Volunteerism Program.

530 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM GENERAL REVENUE FUND 1,000,000
FROM TOBACCO SETTLEMENT TRUST FUND 309,300

531 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM GENERAL REVENUE FUND 928,412
FROM FEDERAL GRANTS TRUST FUND 3,571,588

532 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,528,145
FROM ADMINISTRATIVE TRUST FUND 300,000
FROM TOBACCO SETTLEMENT TRUST FUND 6,199,499
FROM FEDERAL GRANTS TRUST FUND 8,767,435
FROM GRANTS AND DONATIONS TRUST FUND . . . 423,856
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,652,849

From the recurring General Revenue Funds in Specific Appropriation 532, $2,945,640 shall be allocated as follows:

Project Warm (Women Assisting Recovering Mothers)..... 375,000
Isabel Collier Read Contracted Services..... 570,640
VisionQuest..... 1,000,000
La Liga El Contra..... 1,000,000

For the purposes of expanding KidCare and Medicaid outreach, a local governmental entity may certify local matching funds to serve as the state matching requirement to expand KidCare and Medicaid outreach.

From the funds in Specific Appropriation 532, $100,000 from the Administrative Trust Fund is provided for outreach for the abandoned baby program.

533 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND 3,014,217
FROM FEDERAL GRANTS TRUST FUND 2,388,004

534 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 12,686

534A SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM
FROM TOBACCO SETTLEMENT TRUST FUND 200,000

535 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM TOBACCO SETTLEMENT TRUST FUND 10,000,000
FROM FEDERAL GRANTS TRUST FUND 1,000,000

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Funds in Specific Appropriation 535 shall be used to provide health services in schools and must be integrated with other school health services and included in the annual school health services plan.

536 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,423

537 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 212,687,145

538 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION
FROM TOBACCO SETTLEMENT TRUST FUND 600,000

539 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

TOTAL: FAMILY HEALTH SERVICES
FROM GENERAL REVENUE FUND 96,154,170
FROM TRUST FUNDS 364,234,531

TOTAL POSITIONS 161
TOTAL ALL FUNDS 460,388,701

INFECTIOUS DISEASE PREVENTION AND CONTROL

541 SALARIES AND BENEFITS POSITIONS 380
FROM GENERAL REVENUE FUND 5,006,901
FROM FEDERAL GRANTS TRUST FUND 7,069,624
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,546,822
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 149,734

542 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,346
FROM FEDERAL GRANTS TRUST FUND 623,226
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,211

543 EXPENSES
FROM GENERAL REVENUE FUND 3,105,028
FROM TOBACCO SETTLEMENT TRUST FUND 634,116
FROM FEDERAL GRANTS TRUST FUND 6,156,021
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,537
FROM OPERATIONS AND MAINTENANCE TRUST FUND 811,742
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 208,068

544 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM GENERAL REVENUE FUND 11,793,792
FROM FEDERAL GRANTS TRUST FUND 7,133,137

From the recurring General Revenue funds in Specific Appropriation 544, $400,000 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

From the funds in Specific Appropriation 544, $400,000 in recurring General Revenue for HIV/AIDS awareness, prevention and treatment services in Pinellas County.

From the funds in Specific Appropriation 544, $50,000 in recurring General Revenue is provided for the Dade Hospice Program - AIDS Network.

From the funds in Specific Appropriation 544, $200,000 in recurring General Revenue is provided for HIV/AIDS - North Broward Hospital District.

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545 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM FEDERAL GRANTS TRUST FUND 17,930,745

Funds in Specific Appropriation 545 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for Florida's entire federal Ryan White grant award. The Department of Children and Family Services and the Department of Corrections shall collaborate in determining the amount of state General Revenue funds expended by the Department of Corrections for AIDS related activities and services that qualify as state matching funds for the federal Ryan White grant.

546 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED
IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND 10,745,449

From the funds in Specific Appropriation 546, $300,000 in recurring General Revenue is provided to Acquired Immune Deficiency Syndrome (AIDS) Help, Inc. in Monroe County.

547 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 14,555,795
FROM TOBACCO SETTLEMENT TRUST FUND 2,601,849

548 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUIRED IMMUNE
DEFICIENCY SYNDROME (AIDS) NETWORK - DADE
COUNTY HOSPICE
FROM GENERAL REVENUE FUND 407,009

549 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,295

550 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 92,548
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 431,313

551 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,067,770
FROM FEDERAL GRANTS TRUST FUND 9,561,955
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 7,658

From the recurring General Revenue funds in Specific Appropriation 551, $997,710 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

552 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL
SERVICES
FROM GENERAL REVENUE FUND 259,540

553 SPECIAL CATEGORIES
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
INSURANCE CONTINUATION PROGRAM
FROM GENERAL REVENUE FUND 1,803,422
FROM TOBACCO SETTLEMENT TRUST FUND 640,800
FROM FEDERAL GRANTS TRUST FUND 2,148,794

554 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 199,751

555 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 452,801

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556 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 161,599

557 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,750

558 SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN
FROM GENERAL REVENUE FUND 250,000
FROM TOBACCO SETTLEMENT TRUST FUND 250,000

TOTAL: INFECTIOUS DISEASE PREVENTION AND CONTROL
FROM GENERAL REVENUE FUND 50,910,045
FROM TRUST FUNDS 60,348,103

TOTAL POSITIONS 380
TOTAL ALL FUNDS 111,258,148

ENVIRONMENTAL HEALTH SERVICES

560 SALARIES AND BENEFITS POSITIONS 211
FROM GENERAL REVENUE FUND 1,490,467
FROM ADMINISTRATIVE TRUST FUND 2,580,935
FROM FEDERAL GRANTS TRUST FUND 507,118
FROM GRANTS AND DONATIONS TRUST FUND . . . 169,229
FROM RADIATION PROTECTION TRUST FUND . . . 5,495,726

561 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,543
FROM ADMINISTRATIVE TRUST FUND 71,060
FROM FEDERAL GRANTS TRUST FUND 105,487
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,415
FROM RADIATION PROTECTION TRUST FUND . . . 33,393

562 EXPENSES
FROM GENERAL REVENUE FUND 823,061
FROM ADMINISTRATIVE TRUST FUND 1,310,042
FROM FEDERAL GRANTS TRUST FUND 557,788
FROM GRANTS AND DONATIONS TRUST FUND . . . 252,911
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 13,608
FROM RADIATION PROTECTION TRUST FUND . . . 1,823,768

563 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 4,179,722
FROM ADMINISTRATIVE TRUST FUND 1,722,436
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,004,571

564 OPERATING CAPITAL OUTLAY
FROM RADIATION PROTECTION TRUST FUND . . . 56,997

565 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM RADIATION PROTECTION TRUST FUND . . . 210,856

566 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 33,438
FROM RADIATION PROTECTION TRUST FUND . . . 2,885

567 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL
RESPONSE (SUPER) ACT REIMBURSEMENT
FROM ADMINISTRATIVE TRUST FUND 434,775

TOTAL: ENVIRONMENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 6,529,231
FROM TRUST FUNDS 16,484,000

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TOTAL POSITIONS	211	
TOTAL ALL FUNDS		23,013,231

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

569	SALARIES AND BENEFITS FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		380,845,090
570	OTHER PERSONAL SERVICES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		30,814,671
571	EXPENSES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		128,297,356
572	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
573	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AIDS PATIENT CARE FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,073,996
574	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		7,533,960
575	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MINORITY HEALTH INITIATIVES FROM GENERAL REVENUE FUND	5,000,000	
	FROM FEDERAL GRANTS TRUST FUND		3,600,000

From the funds in Specific Appropriation 575, $300,000 in recurring General Revenue is provided for the Jessie Trice Cancer Prevention Project, $300,000 in recurring General Revenue is provided for the statewide Sickle Cell Outreach Program, $100,000 in recurring General Revenue is provided for the Community Environmental Health Advisory Board (CEHAB) and its pilot projects, and $500,000 in recurring General Revenue is provided for the Minority Outreach Program at the Rafael Penalver Clinic, Inc.

From the funds in Specific Appropriation 575, $150,000 from the General Revenue Fund is provided for the Economic Opportunity Family Health Center in Dade County.

576	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND	115,386,217	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
577	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		11,548,687
577A	AID TO LOCAL GOVERNMENTS COMMUNITY HEALTH INITIATIVES FROM GENERAL REVENUE FUND	10,101,210	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,250,000

General Revenue Funds in Specific Appropriation 577A are provided for community health initiatives. Unless otherwise specified these funds are recurring and shall be allocated as follows:

Medivan Project/Elderly Interest - Broward County.....	25,000
Alpha One Program - Alachua County.....	500,000
Rural Midwifery Service - Madison County.....	50,000
CATE - Environmental Community Health Project - Escambia County.....	300,000
Hospice Foundation of America - Dade County.....	350,000
Kidney Disease Program - Statewide.....	25,000
Manatee County Rural Health Services.....	150,000

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Greenwood Community Health Resources Center in Pinellas County.....	50,000
New Horizons Family Intervention/Support Program - Dade Co..	50,000
Roosevelt Sands Community Healthcare Center Monroe County.....	100,000
Interdisciplinary Managed Care Initiative Serenity House-Flagler and Volusia Counties.....	250,000
Traumatic Brain Injury Association of Florida Statewide.....	300,000
Southwest Alachua County Primary and Community Health Care Clinic - Alachua County.....	200,000
Isabel Collier Read Prenatal Care Clinic Collier and Lee Counties.....	300,000
Islet Cell Transplantation to Cure Diabetes Statewide.....	500,000
Primary Care Outreach Program (Sun Coast Hospital) Pinellas County.....	300,000
Gem and End of Life Care Project - Mt. Sinai.....	100,000
Central Florida Health Care Inc - Hardee, Highlands, Polk...	463,000
Rural Perinatal Care, Social Worker - Full Circle - Madison.	250,000
Prescription Access For The Underserved - Suncoast CHC - Hillsborough.....	100,000
Manatee Rural Health Services - Dental Program.....	200,000
Manatee Rural Health Services - Prescription Drugs.....	500,000
Manatee Rural Health Services - Obstetrics.....	320,000
First Step - Mothers And Infants Program - Manatee, Sarasota, Desoto.....	618,000
Medi Minder Program - Edward Waters College.....	220,000
Telehospice - Hope Hospice - Lee County.....	150,000
Early Detention and Screening Of Breast And Cervical Cancer In The Haitian-American-Dade County.....	200,000
Prevention and Intervention Center - River Region Human Services - Duval.....	250,000
Primary Care Center - Dania Beach - Memorial Health Care Systems.....	100,000
University of Florida Dental Clinics - Statewide.....	850,000

Non-recurring General Revenue Funds in Specific Appropriation 577A are provided for the following community health initiatives:

Police Defibrillators - City Of Sunny Isles Beach.....	100,000
Borinquen Health Care Center - Dade.....	230,210
Community Medical Care Center - Lake.....	250,000
Lakeland Volunteers in Medicine.....	500,000
Primary Care Services - Hollywood Area.....	100,000
Primary Care Services - Miramar Area.....	100,000
Escambia Community Clinic.....	850,000
Rural Health Network of Monroe County.....	50,000
Santa Rosa Community Clinic.....	100,000
Partnership for Healthy Communities - Escambia.....	50,000

From the County Health Department Trust Fund in Specific Appropriation 577A, $500,000 shall be used to establish an emergency fund to address local emergency needs as defined by the Secretary of the Department of Health.

From the funds in Specific Appropriation 577A, $1,750,000 in non-recurring County Health Department Trust Funds is provided for the following:

School Health - Hillsborough County.....	550,000
School Health - Brevard County.....	500,000
School Health - Escambia County.....	200,000
School Health - Monroe County.....	200,000
School Health - Dade County.....	300,000

578	OPERATING CAPITAL OUTLAY FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		11,179,668
579	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		445,800

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580 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 27,500

580A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 3,800,000

From the funds in Specific Appropriation 580A, $2,300,000 is for Miami 80th Terrace Clinic, $500,000 is for the West Perrine County Health Department, $500,000 is for the Gulf County Health Department, and $500,000 is for the Walton County Health Department/Defuniak Springs Facility.

580B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FAMILY HEALTH FACILITIES
FROM GENERAL REVENUE FUND 2,220,000
FROM TOBACCO SETTLEMENT TRUST FUND 1,940,000

The nonrecurring General Revenue Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Community Outreach/Preventive Health Center - CFCC - Marion. 500,000
Special Needs Evacuation Shelter - ARC - St. Johns..... 270,000
Taft And Zellwood Health Facilities..... 150,000
Northwest Florida Community Hospital - Chipley..... 350,000
Jacksonville Community Health Center - Planning..... 200,000
Baker Community Hospital Project..... 250,000
Gifford Health Center Building Project..... 500,000

The nonrecurring Tobacco Settlement Trust Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Dover Community Health Center - Hillsborough..... 640,000
Planning and Construction of Replacement Facility
Madison Hospital..... 1,300,000

Funds in Specific Appropriation 580B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS
FROM GENERAL REVENUE FUND 132,707,427
FROM TRUST FUNDS 591,556,728

TOTAL ALL FUNDS 724,264,155

STATEWIDE HEALTH SUPPORT SERVICES

581 SALARIES AND BENEFITS POSITIONS 466
FROM GENERAL REVENUE FUND 8,406,901
FROM ADMINISTRATIVE TRUST FUND 330,122
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 1,099,489
FROM FEDERAL GRANTS TRUST FUND 804,360
FROM GRANTS AND DONATIONS TRUST FUND . . . 194,414
FROM PLANNING AND EVALUATION TRUST FUND . 6,872,538

582 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,546
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 6,704
FROM FEDERAL GRANTS TRUST FUND 21,617
FROM PLANNING AND EVALUATION TRUST FUND . 291,070

583 EXPENSES
FROM GENERAL REVENUE FUND 2,329,039

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FROM ADMINISTRATIVE TRUST FUND 440,103
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 261,807
FROM FEDERAL GRANTS TRUST FUND 1,384,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 233,812
FROM PLANNING AND EVALUATION TRUST FUND . 6,642,937

584 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 226,779
FROM PLANNING AND EVALUATION TRUST FUND . 28,302

585 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 18,766,469
FROM TOBACCO SETTLEMENT TRUST FUND 5,014,035
FROM FEDERAL GRANTS TRUST FUND 74,038,355

586 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,611,904

587 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

TOTAL: STATEWIDE HEALTH SUPPORT SERVICES
FROM GENERAL REVENUE FUND 34,349,638
FROM TRUST FUNDS 98,663,723

TOTAL POSITIONS 466
TOTAL ALL FUNDS 133,013,361

PROGRAM: CHILDREN'S MEDICAL SERVICES

From the funds in Specific Appropriation 589 through 610A, the Children's Medical Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of families served with a positive evaluation of care	95.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILDREN'S SPECIAL HEALTH CARE

The department shall certify as a health care provider in the Children's Medical Services Network all programs of any children's hospital owned or operated by the state, a county, or special district that is located in a county with a population greater than 1 million persons. The department shall issue said certification not later than 30 days after the receipt of written request from a children's hospital.

589 SALARIES AND BENEFITS POSITIONS 759
FROM GENERAL REVENUE FUND 19,155,416
FROM TOBACCO SETTLEMENT TRUST FUND 460,097
FROM DONATIONS TRUST FUND 7,425,967
FROM FEDERAL GRANTS TRUST FUND 3,235,749
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 887,426
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,135,545

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590 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,854,361	
FROM DONATIONS TRUST FUND		89,063
FROM FEDERAL GRANTS TRUST FUND		388,687
591 EXPENSES		
FROM GENERAL REVENUE FUND	2,426,242	
FROM TOBACCO SETTLEMENT TRUST FUND		214,046
FROM DONATIONS TRUST FUND		3,062,719
FROM FEDERAL GRANTS TRUST FUND		4,025,122
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		201,423
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013
592 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	56,970	
592A SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PROGRAM		
FROM GENERAL REVENUE FUND	190,168	
593 SPECIAL CATEGORIES		
CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
FROM GENERAL REVENUE FUND	975,153	
FROM TOBACCO SETTLEMENT TRUST FUND		350,000
594 SPECIAL CATEGORIES		
REGIONAL GENETICS PROGRAM		
FROM GENERAL REVENUE FUND	1,016,084	
FROM DONATIONS TRUST FUND		194,926
595 SPECIAL CATEGORIES		
SICKLE CELL EDUCATION AND SCREENING		
FROM GENERAL REVENUE FUND	790,686	
FROM TOBACCO SETTLEMENT TRUST FUND		250,000
596 SPECIAL CATEGORIES		
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN		
FROM GENERAL REVENUE FUND	9,881,414	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,479,138
597 SPECIAL CATEGORIES		
GRANTS AND AIDS - PRIMARY CARE PROGRAM		
FROM GENERAL REVENUE FUND	3,875,809	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
598 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	3,762,495	
FROM TOBACCO SETTLEMENT TRUST FUND		1,915,683
FROM DONATIONS TRUST FUND		1,000,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539

The recurring General Revenue Funds in Specific Appropriation 598 shall be allocated as follows:

Developmental Center for Infants and Children.....	250,000
Mailman Training Center.....	808,569
Joe Dimaggio Children's Hospital Pediatric Emergency Services.....	350,000
Echocardiography Telecommunications Network.....	500,000
Foundation for Dreams - Manatee County.....	80,000
Seizure Disorder Clinic - Statewide.....	250,000

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599 SPECIAL CATEGORIES		
MASTER CONTRACTS		
FROM GENERAL REVENUE FUND	1,470,500	
FROM TOBACCO SETTLEMENT TRUST FUND		3,492,649
FROM DONATIONS TRUST FUND		500,000
600 SPECIAL CATEGORIES		
GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
FROM GENERAL REVENUE FUND	602,673	
601 SPECIAL CATEGORIES		
KIDNEY DISEASE PROGRAM FOR CHILDREN		
FROM GENERAL REVENUE FUND	813,077	
FROM TOBACCO SETTLEMENT TRUST FUND		350,000
602 SPECIAL CATEGORIES		
CHILDREN'S MEDICAL SERVICES NETWORK		
FROM DONATIONS TRUST FUND		199,828,945
603 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
FROM GENERAL REVENUE FUND	98,172	
FROM TOBACCO SETTLEMENT TRUST FUND		6,700,000
FROM DONATIONS TRUST FUND		1,441,009
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		5,075,593
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724
604 SPECIAL CATEGORIES		
POISON CONTROL CENTER		
FROM GENERAL REVENUE FUND	2,000,000	
FROM DONATIONS TRUST FUND		1,795,564
604A SPECIAL CATEGORIES		
RHEUMATIC FEVER		
FROM GENERAL REVENUE FUND	78,409	
605 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	169,239	
FROM DONATIONS TRUST FUND		37,115
605A SPECIAL CATEGORIES		
PEDIATRIC LIVER TRANSPLANT PROGRAM		
FROM GENERAL REVENUE FUND	500,441	
606 SPECIAL CATEGORIES		
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES		
FROM GENERAL REVENUE FUND	13,017,599	
FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM DONATIONS TRUST FUND		334,159
FROM FEDERAL GRANTS TRUST FUND		6,650,185

Funds in Specific Appropriation 606 are contingent upon the department ensuring that no early intervention provider participating in the Part C program shall provide both core and required Part C services without a waiver from the deputy secretary and deputy state health officer for Children's Medical Services. For purposes of this paragraph, core services are limited to child find and referral, family support planning, service coordination, and the multi-disciplinary evaluation.

607 SPECIAL CATEGORIES		
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C		
FROM GENERAL REVENUE FUND	1,641,322	
FROM FEDERAL GRANTS TRUST FUND		15,502,104

From the funds in Specific Appropriation 607, the Department of Health, jointly with the Department of Education, is authorized to prepare a fourteenth year grant application to the United States

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Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation pursuant to s. 216.177, Florida Statutes.

In addition, $1,641,322 in General Revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 247. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in General Revenue between Specific Appropriation 566, and Specific Appropriation 567.

Since Part C is an optional program, the department shall not redirect funds from other populations and programs to serve people under Part C.

608	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	1,421,183	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		266,301
608A	SPECIAL CATEGORIES CHILDREN'S CARDIAC PROGRAM		
	FROM GENERAL REVENUE FUND	1,087,163	
609	SPECIAL CATEGORIES GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK		
	FROM GENERAL REVENUE FUND	2,119,231	
610A	FIXED CAPITAL OUTLAY CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES		
	FROM FEDERAL GRANTS TRUST FUND		816,000

From the funds in Specific Appropriation 610A, $816,000 in nonrecurring Federal Grants Trust Fund shall be allocated to the CMS Clinic in Alachua County.

TOTAL: CHILDREN'S SPECIAL HEALTH CARE		
FROM GENERAL REVENUE FUND	69,003,807	
FROM TRUST FUNDS		281,155,982
TOTAL POSITIONS	759	
TOTAL ALL FUNDS		350,159,789

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

From the funds in Specific Appropriations 611 through 632A, the Health Care Practitioner and Access Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of health care practitioners' applications for licensure completed within 90 days	100.0%
2. Number of medical students who do a rotation in a medically underserved area	730

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Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

MEDICAL QUALITY ASSURANCE

611	SALARIES AND BENEFITS POSITIONS 305		
	FROM GENERAL REVENUE FUND	81,558	
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		11,119,564
612	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,280	
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,925,866
613	EXPENSES		
	FROM GENERAL REVENUE FUND	36,979	
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		12,930,668
614	OPERATING CAPITAL OUTLAY		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		29,239
615	SPECIAL CATEGORIES EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,493,407
616	SPECIAL CATEGORIES UNLICENSED ACTIVITIES		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		2,458,415
617	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		996,615
618	SPECIAL CATEGORIES DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		52,600
619	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		25,435
619A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		124,387
TOTAL: MEDICAL QUALITY ASSURANCE			
	FROM GENERAL REVENUE FUND	125,817	
	FROM TRUST FUNDS		33,156,196
	TOTAL POSITIONS	305	
	TOTAL ALL FUNDS		33,282,013

COMMUNITY HEALTH RESOURCES

621	SALARIES AND BENEFITS POSITIONS 136		
	FROM GENERAL REVENUE FUND	241,365	
	FROM TOBACCO SETTLEMENT TRUST FUND		41,273

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FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,220,129
FROM FEDERAL GRANTS TRUST FUND		154,159
FROM GRANTS AND DONATIONS TRUST FUND		188,685
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		2,177,409
622 OTHER PERSONAL SERVICES		
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		159,583
623 EXPENSES		
FROM GENERAL REVENUE FUND	9,854	
FROM TOBACCO SETTLEMENT TRUST FUND		18,419
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,702,193
FROM FEDERAL GRANTS TRUST FUND		155,535
FROM GRANTS AND DONATIONS TRUST FUND		41,440
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		2,589
624 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
FROM GRANTS AND DONATIONS TRUST FUND		1,650,000
625 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS		
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,274,049
626 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS		
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,310,330

From the funds in Specific Appropriation 626, $502,768 is provided for an emergency medical services matching grant to the Plant City Fire Department.

627 OPERATING CAPITAL OUTLAY		
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
627A LUMP SUM		
VOCATIONAL REHABILITATION PROGRAM		
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		11,779,244
628 SPECIAL CATEGORIES		
AREA HEALTH EDUCATION CENTERS		
FROM GENERAL REVENUE FUND	3,354,612	
FROM TOBACCO SETTLEMENT TRUST FUND		1,431,509
FROM GRANTS AND DONATIONS TRUST FUND		7,322,789
628A SPECIAL CATEGORIES		
COMMUNITY HOSPITAL EDUCATION PROGRAM		
FROM GENERAL REVENUE FUND	14,500,000	
629 SPECIAL CATEGORIES		
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS		
FROM GENERAL REVENUE FUND	500,000	
629A SPECIAL CATEGORIES		
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL		
FROM GENERAL REVENUE FUND	9,786,979	

Funds in Specific Appropriation 629A continue funding from recurring general revenue to the Shands Teaching Hospital. These funds may be used as state matching funds for Shands' participation in the Special Medicaid Payment program, which provides payments to hospitals that provide enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the Shands Teaching Hospital to continue the original purpose of providing health care services to indigents through Shands Healthcare.

Any Florida resident who is a student at, or graduate of, any of the four United States Military Academies who qualifies for assignment to the Medical Corps of the United States Military, shall be admitted to any Medical School in the State University System.

629B SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICES		
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		1,500,000
630 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		881
631 SPECIAL CATEGORIES		
GRANTS AND AIDS - TRAUMA CARE		
FROM GENERAL REVENUE FUND	1,622,601	
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		93,747
631A DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		75,703
632A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
RURAL HOSPITALS		
FROM GENERAL REVENUE FUND	7,000,000	

Funds in Specific Appropriation 632A, from non-recurring General Revenue are provided for the rural hospital capital improvement grant program and shall be allocated in accordance with the grant process outlined in s. 395.6061, Florida Statutes.

Funds in Specific Appropriation 632A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: COMMUNITY HEALTH RESOURCES		
FROM GENERAL REVENUE FUND	37,015,411	
FROM TRUST FUNDS		38,301,598
TOTAL POSITIONS	136	
TOTAL ALL FUNDS		75,317,009

PROGRAM: DISABILITY DETERMINATIONS

From the funds in Specific Appropriation 633 through 637, the Disability Determinations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of disability determinations completed accurately as determined by the Social Security Administration	94.1%

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|Additional approved measures and standards are established in the FY |
|2001-2002 Implementing Bill and are incorporated herein by reference.|
|

DISABILITY BENEFITS DETERMINATION

633	SALARIES AND BENEFITS POSITIONS	909	
	FROM GENERAL REVENUE FUND	469,815	
	FROM ADMINISTRATIVE TRUST FUND		450,512
	FROM U.S. TRUST FUND		36,011,608
634	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	183,500	
	FROM ADMINISTRATIVE TRUST FUND		183,500
	FROM U.S. TRUST FUND		8,000,000
635	EXPENSES		
	FROM GENERAL REVENUE FUND	283,792	
	FROM ADMINISTRATIVE TRUST FUND		289,792
	FROM U.S. TRUST FUND		28,673,852
636	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,000	
	FROM ADMINISTRATIVE TRUST FUND		5,000
	FROM U.S. TRUST FUND		200,000
637	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,125	
	FROM ADMINISTRATIVE TRUST FUND		2,126
	FROM U.S. TRUST FUND		89,721
TOTAL:	DISABILITY BENEFITS DETERMINATION		
	FROM GENERAL REVENUE FUND	944,232	
	FROM TRUST FUNDS		73,906,111
	TOTAL POSITIONS	909	
	TOTAL ALL FUNDS		74,850,343

VETERANS' AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 639 through 668, the Services to Veterans Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Occupancy rate for homes in operation for 2 years or longer	90%
2. Percent increase (over baseline) in the number of veterans' complete "ready to rate" claims processed	4%

|Additional approved measures and standards are established in the FY |
|2001-2002 Implementing Bill and are incorporated herein by reference.|
|

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

639	SALARIES AND BENEFITS POSITIONS	351	
	FROM GENERAL REVENUE FUND	778,717	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,035,390
640	OTHER PERSONAL SERVICES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		449,153

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641	EXPENSES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,709,998

From the funds in Specific Appropriation 641, the department shall evaluate the effectiveness of services outsourced in the Pembroke Pines Veterans' Home. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 1, 2002. The report shall address the implementation of the Pembroke Pines pilot program, a cost-benefit analysis, and results from the evaluation of the pilot program. The report shall also include recommendations regarding the Pembroke Pines pilot program.

642	OPERATING CAPITAL OUTLAY		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		47,794
643	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	135,947	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,089,639
644	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,000
645	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	36,250	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		132,657
646	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM GENERAL REVENUE FUND	4,000,000	
	FROM FEDERAL GRANTS TRUST FUND		7,561,594

From the funds in Specific Appropriation 646, $4,000,000 in nonrecurring General Revenue is provided for the state share of construction for veterans' nursing home number four in Bay County and number five in Charlotte County. This is the second half of the state share for these two homes. The federal share for this appropriation is $7,561,594 from the Federal Grants Trust Fund and represents the final share of the federal participation in these projects.

647	FIXED CAPITAL OUTLAY		
	LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		1,200
648	FIXED CAPITAL OUTLAY		
	DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		5,200
649	FIXED CAPITAL OUTLAY		
	PAVED SURFACE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		18,000
650	FIXED CAPITAL OUTLAY		
	EMERGENCY REPAIRS - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		250,000
651	FIXED CAPITAL OUTLAY		
	ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		24,850
652	FIXED CAPITAL OUTLAY		
	BUILDING ENVELOPE MAINTENANCE AND REPAIR		

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STATEWIDE - DMS MGD
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 28,000

653 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 294,922

654 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 23,500

655 FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE
AND REPAIR STATEWIDE - DMS MGD
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 31,850

656 FIXED CAPITAL OUTLAY
SECURITY FENCE - BRIDGE MAINTENANCE OFFICE
- JACKSONVILLE (DISTRICT TWO)
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 29,500

657 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE
AND REPAIR STATEWIDE - DMS MGD
FROM STATE HOMES FOR VETERANS TRUST FUND . . . 35,000

TOTAL: VETERANS' HOMES
FROM GENERAL REVENUE FUND 4,950,914
FROM TRUST FUNDS 28,799,247

TOTAL POSITIONS 351
TOTAL ALL FUNDS 33,750,161

VETERANS' CLAIMS

658 SALARIES AND BENEFITS POSITIONS 18
FROM GENERAL REVENUE FUND 797,825

659 EXPENSES
FROM GENERAL REVENUE FUND 19,233

660 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,367

TOTAL: VETERANS' CLAIMS
FROM GENERAL REVENUE FUND 825,425

TOTAL POSITIONS 18
TOTAL ALL FUNDS 825,425

VETERANS' FIELD SERVICES

661 SALARIES AND BENEFITS POSITIONS 41
FROM GENERAL REVENUE FUND 1,918,191

662 EXPENSES
FROM GENERAL REVENUE FUND 39,050

663 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,383

TOTAL: VETERANS' FIELD SERVICES
FROM GENERAL REVENUE FUND 1,961,624

TOTAL POSITIONS 41
TOTAL ALL FUNDS 1,961,624

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EXECUTIVE DIRECTION AND SUPPORT SERVICES

664 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 1,742,467
FROM FEDERAL GRANTS TRUST FUND 367,961
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 58,253

665 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,765

666 EXPENSES
FROM GENERAL REVENUE FUND 547,869
FROM FEDERAL GRANTS TRUST FUND 78,417
FROM FLORIDA WORLD WAR II VETERANS
MEMORIAL MATCHING TRUST FUND 2,000,000

From the funds in Specific Appropriation 666, $200,000 in nonrecurring General Revenue is provided for the Jacksonville Veterans' Homeless Employment and Training Program.

667 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,302
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 38,200

668 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,383
FROM FEDERAL GRANTS TRUST FUND 695

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,367,786
FROM TRUST FUNDS 2,543,526

TOTAL POSITIONS 43
TOTAL ALL FUNDS 4,911,312

TOTAL OF SECTION 3 POSITIONS 32,546

FROM GENERAL REVENUE FUND 5220,680,405

FROM TRUST FUNDS 11765,331,190

TOTAL ALL FUNDS 16986,011,595

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

The agencies receiving appropriations from the Criminal Justice and Corrections section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);

2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;

3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;

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4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and

5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 669 through 848, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections may allow the public to use the department's shooting ranges when the following conditions are met: use is limited to members of organized gun clubs who sign a waiver of liability and are supervised by a National Rifle Association certified instructor. Public use of the department's shooting ranges shall not interfere with any department or law enforcement agency use of the ranges.

Subject to all applicable provisions of Chapter 216, F.S., the Department of Corrections may transfer funds, positions and salary rate among budget entities and programs within Specific Appropriations 669 through 848 if necessary to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions.

From the funds provided in specific appropriations 669 through 848, the Department of Corrections is authorized to implement a Close Management Consolidation Plan beginning July 1, 2001 and is authorized to utilize up to $5,583,827 from appropriated funds in order to maximize access to appropriate health care and enhanced program activities for the close management population. Beginning October 1, 2001 and quarterly thereafter, the Department must provide reports to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget detailing its progress in implementing the consolidation plan. At a minimum, these reports should include: (a) the number of additional positions filled, (b) the cost to date of implementing the plan, (c) the projected cost of implementing the plan for Fiscal Year 2001-2002, (d) the total projected operating expenditures for the Department of Corrections for Fiscal Year 2001-2002, and (e) the Department's plan to avoid incurring a deficit if the Department's total projected operating expenditures for Fiscal Year 2001-2002 exceed the amount appropriated.

From the funds in Specific Appropriations 669 through 788F, the Department of Corrections shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the number of inmates transported and all costs associated with inmate transportation. This information shall be reported seminanually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource inmate transportation services. These reports shall also include the status of actions taken by the department to correct deficiencies related to fleet management noted by the Auditor General in report number 01-065 and the Office of Program Policy Analysis and Government Accountability in report number 00-23.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

669	SALARIES AND BENEFITS POSITIONS	700	
	FROM GENERAL REVENUE FUND	28,199,254	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		134,538
	FROM INMATE WELFARE TRUST FUND		1,558,658

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671	EXPENSES		
	FROM GENERAL REVENUE FUND	5,396,129	
	FROM INMATE WELFARE TRUST FUND		148,711
TOTAL: BUSINESS SERVICE CENTERS			
	FROM GENERAL REVENUE FUND	33,595,383	
	FROM TRUST FUNDS		1,841,907
	TOTAL POSITIONS	700	
	TOTAL ALL FUNDS		35,437,290

EXECUTIVE DIRECTION AND SUPPORT SERVICES

672	SALARIES AND BENEFITS POSITIONS	234	
	FROM GENERAL REVENUE FUND	8,151,682	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		78,725
	FROM GRANTS AND DONATIONS TRUST FUND . . .		573,491
	FROM OPERATING TRUST FUND		1,600,853
	FROM INMATE WELFARE TRUST FUND		228,525
673	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,501	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
674	EXPENSES		
	FROM GENERAL REVENUE FUND	3,573,086	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		977,605
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,975
	FROM OPERATING TRUST FUND		127,101
	FROM INMATE WELFARE TRUST FUND		30,489

From the funds provided in Specific Appropriation 674, the department must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting by September 1, 2001, detailing for FY 2000-01 the following: (a) the names of the employees trained as correctional officers and correctional probation officers at the department's expense during the fiscal year; (b) the amount of money spent by the department to train those employees (including, but not limited to, tuition costs, salaries and benefits, and expense); (c) the employees who voluntarily terminated their employment within the year; (d) the employing agency that hired the employee to fill a correctional officer position (if known); (e) the number of civil actions commenced during the year to recover the cost of the employee's participation in the training program; and (f) the amount recovered during the year from employees under the provisions of section 943.16, Florida Statutes.

675	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,928	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		21,280
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,500
675A	LUMP SUM		
	CRITICAL MANAGEMENT AND ADMINISTRATIVE INFRASTRUCTURE - DEPARTMENT OF CORRECTIONS POSITIONS	14	
	FROM GENERAL REVENUE FUND	1,114,627	

Funds in Specific Appropriation 675A are provided for critical administrative and management infrastructure needs. Prior to release of these funds, the Department of Corrections shall submit a plan to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, the Senate Appropriations Committee, the Speaker of the House, the Senate President and the minority offices of the House and Senate to reduce administrative duplication and increase management efficiency. This plan must result in the reduction of at least seven FTE from Senior Management or Select Exempt Service. Funds in Specific Appropriation 675A may be released upon certification by the Legislative Budget Commission that the plan meets the intent of the Legislature that the department streamline its management structure and improve administrative efficiency.

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676 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 7,591

676A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 252,988

The funds in Specific Appropriation 676A, from nonrecurring General Revenue are allocated as follows:

Homeless Assessment Referral and Tracking (CBIR 1512)..... 252,988

677 SPECIAL CATEGORIES
OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY
FROM GENERAL REVENUE FUND 9,649

677A SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,000,000

The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: $24,000,000 is transferred to the General Revenue fund and $2,000,000 is provided for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the $24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed $26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.

678 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,136,861

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 14,304,913
FROM TRUST FUNDS 27,764,544

TOTAL POSITIONS 248
TOTAL ALL FUNDS 42,069,457

FLORIDA CORRECTIONS COMMISSION

From the funds in Specific Appropriations 678A and 678B, the Florida Corrections Commission shall conduct a review of the organizational and management structure of the Department of Juvenile Justice for the purpose of recommending efficiency improvements and opportunities to achieve savings. The Commission shall examine supervisory span-of-control, potential duplication of administrative functions, job classification of administrative and supervisory personnel, and any other areas identified by the Commission. The Commission shall report its findings, including recommendations to achieve savings and enhance administrative efficiency, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

678A SALARIES AND BENEFITS POSITIONS 4
FROM GENERAL REVENUE FUND 253,697

678B SPECIAL CATEGORIES
FLORIDA CORRECTIONS COMMISSION
FROM GENERAL REVENUE FUND 110,692

TOTAL: FLORIDA CORRECTIONS COMMISSION
FROM GENERAL REVENUE FUND 364,389

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TOTAL POSITIONS 4
TOTAL ALL FUNDS 364,389

INFORMATION TECHNOLOGY

679 SALARIES AND BENEFITS POSITIONS 160
FROM GENERAL REVENUE FUND 7,247,437

679A EXPENSES
FROM GENERAL REVENUE FUND 39,503

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 7,286,940

TOTAL POSITIONS 160
TOTAL ALL FUNDS 7,286,940

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

Funds provided in Specific Appropriations 696, 712, and 725 shall be used for the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contracts and Lease-Purchase Agreements. The Department of Corrections shall not utilize the provisions of Chapter 216, Florida Statutes, to transfer funds from this appropriation category.

From the funds provided in Specific Appropriations 696 and 725, $974,362 from General Revenue is provided to pay local property tax assessments for the following correctional facilities under contract with the Correctional Privatization Commission: Moore Haven, South Bay, and Bay adult correctional facilities and the Lake City youthful offender correctional facility. In the event that it is determined that these properties are not subject to local property tax assessments, these funds shall be provided as payments in lieu of taxes to the local governments in an amount equal to the property taxes that would have been assessed if the properties were determined to be subject to assessment for local property taxes.

Funds and FTE are provided in Specific Appropriations 681 through 788F to operate the correctional system at a capacity of 74,542 prison beds and to increase funding for variable expenses to accommodate an average projected daily population of 73,641 inmates. The funds and FTE in Specific Appropriations 685, 707A, and 776A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds and FTE shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.

From the positions appropriated in Specific Appropriations 681, 704, 717, 730, and 743, the Executive Office of the Governor shall place a total of 280 FTE in EOG Reserve if a contract for outsourcing food services in the Department of Corrections is executed.

From the funds in Specific Appropriations 681 through 788F, the Security and Institutional Operations Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of escapes from the secure perimeter of major institutions	0
Percentage of random inmate drug tests that are negative	98.5%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

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APPROPRIATION
ADULT MALE CUSTODY OPERATIONS

681	SALARIES AND BENEFITS POSITIONS	8,480	
	FROM GENERAL REVENUE FUND	311,066,110	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		259,278
	FROM INMATE WELFARE TRUST FUND		3,856,634
681A	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		91,000
682	EXPENSES		
	FROM GENERAL REVENUE FUND	19,268,634	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		746,260
	FROM INMATE WELFARE TRUST FUND		714,224

From the funds provided in Specific Appropriation 682, the Department of Corrections may spend up to $400,000 from the General Revenue fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.

683	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	395,114	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,100,000
	FROM OPERATING TRUST FUND		279,000
	FROM INMATE WELFARE TRUST FUND		767,953
684	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	32,019,824	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		83,421
685	LUMP SUM		
	CJEC INMATE POPULATION INCREASE		
	POSITIONS	63	
	FROM GENERAL REVENUE FUND	3,302,375	
687	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	420,258	
688	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	3,510,030	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		118,172
689	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	3,039,857	
691	SPECIAL CATEGORIES		
	RETURN OF PAROLE VIOLATORS		
	FROM GENERAL REVENUE FUND	131,313	
692	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,251,285	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,082,045
693	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,134,065	
694	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	2,000	
695	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND	355,360	
696	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	50,523,924	

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	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		1,007,295
697	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	858,996	
698A	FIXED CAPITAL OUTLAY		
	CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	4,305,123	
699	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	8,024,963	
TOTAL:	ADULT MALE CUSTODY OPERATIONS		
	FROM GENERAL REVENUE FUND	456,609,231	
	FROM TRUST FUNDS		11,105,282
	TOTAL POSITIONS	8,543	
	TOTAL ALL FUNDS		467,714,513

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

704	SALARIES AND BENEFITS POSITIONS	534	
	FROM GENERAL REVENUE FUND	20,404,972	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		93,510
	FROM INMATE WELFARE TRUST FUND		227,825
704A	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		232,884
705	EXPENSES		
	FROM GENERAL REVENUE FUND	1,644,897	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,703
	FROM INMATE WELFARE TRUST FUND		43,286
707	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,951,892	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,841
707A	LUMP SUM		
	CJEC INMATE POPULATION INCREASE		
	POSITIONS	18	
	FROM GENERAL REVENUE FUND	412,789	
708	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	128,536	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,509
709	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	169,441	
710	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	386,957	
712	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	16,276,537	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		448,269
713	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	92,816	

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715	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	1,622,935	
TOTAL:	ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS FROM GENERAL REVENUE FUND	43,091,772	
	FROM TRUST FUNDS		1,134,827
	TOTAL POSITIONS	552	
	TOTAL ALL FUNDS		44,226,599

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

717	SALARIES AND BENEFITS POSITIONS	810	
	FROM GENERAL REVENUE FUND	32,534,414	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		285,976
	FROM INMATE WELFARE TRUST FUND		396,415
718	EXPENSES FROM GENERAL REVENUE FUND	2,310,524	
	FROM INMATE WELFARE TRUST FUND		86,572
719	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	24,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000
720	FOOD PRODUCTS FROM GENERAL REVENUE FUND	2,744,480	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		483,667
721	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND	217,664	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		191,046
722	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	287,737	
723	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	856,563	
725	SPECIAL CATEGORIES PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND	9,507,898	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		158,486
726	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	82,569	
728	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	949,666	
TOTAL:	MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS FROM GENERAL REVENUE FUND	49,515,515	
	FROM TRUST FUNDS		2,102,162
	TOTAL POSITIONS	810	
	TOTAL ALL FUNDS		51,617,677

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

730	SALARIES AND BENEFITS POSITIONS	4,345	
	FROM GENERAL REVENUE FUND	174,460,781	
	FROM OPERATING TRUST FUND		152,561
	FROM INMATE WELFARE TRUST FUND		1,826,442

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731	EXPENSES FROM GENERAL REVENUE FUND	13,417,877	
	FROM OPERATING TRUST FUND		13,157
	FROM INMATE WELFARE TRUST FUND		86,572
733	FOOD PRODUCTS FROM GENERAL REVENUE FUND	14,511,405	
734	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND	1,416,828	
735	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	1,527,756	
736	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	2,390,776	
738	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	106,844	
TOTAL:	SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS FROM GENERAL REVENUE FUND	207,832,267	
	FROM TRUST FUNDS		2,078,732
	TOTAL POSITIONS	4,345	
	TOTAL ALL FUNDS		209,910,999

RECEPTION CENTER OPERATIONS

743	SALARIES AND BENEFITS POSITIONS	1,465	
	FROM GENERAL REVENUE FUND	59,860,983	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,899
	FROM INMATE WELFARE TRUST FUND		719,398
744	EXPENSES FROM GENERAL REVENUE FUND	4,094,981	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,090
	FROM INMATE WELFARE TRUST FUND		43,286
745	OPERATING CAPITAL OUTLAY FROM GRANTS AND DONATIONS TRUST FUND . . .		250,000
746	FOOD PRODUCTS FROM GENERAL REVENUE FUND	4,724,919	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,449
748	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND	370,703	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		46,893
749	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	514,239	
750	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	1,738,775	
751	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	102,840	
TOTAL:	RECEPTION CENTER OPERATIONS FROM GENERAL REVENUE FUND	71,407,440	
	FROM TRUST FUNDS		1,172,015
	TOTAL POSITIONS	1,465	
	TOTAL ALL FUNDS		72,579,455

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PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION

755	SALARIES AND BENEFITS POSITIONS 909		
	FROM GENERAL REVENUE FUND	21,809,976	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		12,680,429
	FROM GRANTS AND DONATIONS TRUST FUND . . .		37,069
	FROM INMATE WELFARE TRUST FUND		78,839
756	EXPENSES		
	FROM GENERAL REVENUE FUND	3,159,715	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		1,467,880
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,776
	FROM INMATE WELFARE TRUST FUND		118,383
757	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	113,907	
758	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,235,487	
759	LUMP SUM		
	CORRECTIONAL WORK PROGRAMS POSITIONS 27		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		3,146,499

The funds and positions in Specific Appropriation 759 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).

760	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		2,193,000
761	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	504,143	
	FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND		87,962
762	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	340,970	
763	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,772,501	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		124,926
TOTAL:	PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION		
	FROM GENERAL REVENUE FUND	28,936,699	
	FROM TRUST FUNDS		19,967,763
	TOTAL POSITIONS	936	
	TOTAL ALL FUNDS		48,904,462

ROAD PRISON OPERATIONS

765	SALARIES AND BENEFITS POSITIONS 98		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		4,498,558
766	EXPENSES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		908,000

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767	FOOD PRODUCTS		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		543,729
768	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		122,500
769	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		53,567
770	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	107,641	
771	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	31,039	
TOTAL:	ROAD PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND	138,680	
	FROM TRUST FUNDS		6,126,354
	TOTAL POSITIONS	98	
	TOTAL ALL FUNDS		6,265,034

OFFENDER MANAGEMENT AND CONTROL

773	SALARIES AND BENEFITS POSITIONS 1,305		
	FROM GENERAL REVENUE FUND	49,419,394	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		92,026
774	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	76,454	
775	EXPENSES		
	FROM GENERAL REVENUE FUND	2,069,841	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		13,959
	FROM INMATE WELFARE TRUST FUND		97,073
776	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,906	
776A	LUMP SUM		
	CJEC INMATE POPULATION INCREASE POSITIONS 2		
	FROM GENERAL REVENUE FUND	61,656	
777	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,489,496	
TOTAL:	OFFENDER MANAGEMENT AND CONTROL		
	FROM GENERAL REVENUE FUND	53,155,747	
	FROM TRUST FUNDS		203,058
	TOTAL POSITIONS	1,307	
	TOTAL ALL FUNDS		53,358,805

EXECUTIVE DIRECTION AND SUPPORT SERVICES

778	SALARIES AND BENEFITS POSITIONS 230		
	FROM GENERAL REVENUE FUND	9,137,729	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		35,922
779	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	50,970	

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FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
FROM INMATE WELFARE TRUST FUND		815,828
780 EXPENSES		
FROM GENERAL REVENUE FUND	5,614,316	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		5,952
FROM GRANTS AND DONATIONS TRUST FUND . . .		351,785

From the funds in Specific Appropriation 780, $1,000,000 from General Revenue is provided to implement a victim notification system (VINE). The department shall issue a request for proposals for the system by September 1, 2001.

781 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	308,200	
782 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		122,500
783 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	297,899	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	15,409,114	
FROM TRUST FUNDS		1,406,987
TOTAL POSITIONS	230	
TOTAL ALL FUNDS		16,816,101

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

784 SALARIES AND BENEFITS POSITIONS	465	
FROM GENERAL REVENUE FUND	19,429,908	
785 EXPENSES		
FROM GENERAL REVENUE FUND	51,849,058	
786 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	585,513	
787 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	131,028	
788 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	475,000	
TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR		
FROM GENERAL REVENUE FUND	72,470,507	
TOTAL POSITIONS	465	
TOTAL ALL FUNDS		72,470,507

INFORMATION TECHNOLOGY

788A SALARIES AND BENEFITS POSITIONS	21	
FROM GENERAL REVENUE FUND	1,137,546	
788B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,000	
788C EXPENSES		
FROM GENERAL REVENUE FUND	6,688,639	
788D OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	964,920	
FROM INMATE WELFARE TRUST FUND		534,323
788E DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	226,334	
788F DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	234,355	
FROM INMATE WELFARE TRUST FUND		390,677
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	9,266,794	
FROM TRUST FUNDS		925,000
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		10,191,794

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 790 through 818, the Community Corrections Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percentage of offenders who abscond within 2 years	3,450/4.0%
Number/percentage of offenders who had their supervision revoked within two years	35,656/42.0%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PROBATION SUPERVISION

790 SALARIES AND BENEFITS POSITIONS	2,225	
FROM GENERAL REVENUE FUND	97,064,112	
FROM GRANTS AND DONATIONS TRUST FUND . . .		192,730
FROM INMATE WELFARE TRUST FUND		1,219
791 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	49,138	
792 EXPENSES		
FROM GENERAL REVENUE FUND	8,501,383	
FROM GRANTS AND DONATIONS TRUST FUND . . .		14,108
FROM OPERATING TRUST FUND		2,238,167
793 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	88,877	
FROM OPERATING TRUST FUND		284,640
794 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	851,161	
795 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	128,010	
TOTAL: PROBATION SUPERVISION		
FROM GENERAL REVENUE FUND	106,682,681	
FROM TRUST FUNDS		2,730,864
TOTAL POSITIONS	2,225	
TOTAL ALL FUNDS		109,413,545

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DRUG OFFENDER PROBATION SUPERVISION

796	SALARIES AND BENEFITS POSITIONS 585		
	FROM GENERAL REVENUE FUND	26,406,302	
797	EXPENSES		
	FROM GENERAL REVENUE FUND	3,868,406	
	FROM OPERATING TRUST FUND		656,946
798	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,370	
799	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	238,579	
TOTAL:	DRUG OFFENDER PROBATION SUPERVISION		
	FROM GENERAL REVENUE FUND	30,534,657	
	FROM TRUST FUNDS		656,946
	TOTAL POSITIONS	585	
	TOTAL ALL FUNDS		31,191,603

PRE TRIAL INTERVENTION SUPERVISION

799A	SALARIES AND BENEFITS POSITIONS 123		
	FROM GENERAL REVENUE FUND	4,118,814	
799B	EXPENSES		
	FROM GENERAL REVENUE FUND	268,997	
TOTAL:	PRE TRIAL INTERVENTION SUPERVISION		
	FROM GENERAL REVENUE FUND	4,387,811	
	TOTAL POSITIONS	123	
	TOTAL ALL FUNDS		4,387,811

COMMUNITY CONTROL SUPERVISION

800	SALARIES AND BENEFITS POSITIONS 506		
	FROM GENERAL REVENUE FUND	23,153,141	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		699,734
801	EXPENSES		
	FROM GENERAL REVENUE FUND	2,154,827	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,117
	FROM OPERATING TRUST FUND		681,593
802	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	273,150	
803	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,030
804	SPECIAL CATEGORIES		
	ELECTRONIC MONITORING		
	FROM GENERAL REVENUE FUND	2,349,375	
	FROM OPERATING TRUST FUND		114,700
TOTAL:	COMMUNITY CONTROL SUPERVISION		
	FROM GENERAL REVENUE FUND	27,930,493	
	FROM TRUST FUNDS		1,646,174
	TOTAL POSITIONS	506	
	TOTAL ALL FUNDS		29,576,667

POST PRISON RELEASE SUPERVISION

805	SALARIES AND BENEFITS POSITIONS 310		
	FROM GENERAL REVENUE FUND	12,207,279	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,367,994

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806	EXPENSES		
	FROM GENERAL REVENUE FUND	2,522,459	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		212,243
	FROM OPERATING TRUST FUND		109,017
806A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND	650,000	

The funds in Specific Appropriation 806A, from recurring General Revenue are allocated as follows:

Community Re-Entry Program (CBIR 1896).....	250,000
L.A.P. "Life After Prison" (CBIR 481).....	300,000
C.O.U.R.T. Project/Cottages in the Pines (CBIR 828).....	100,000

807	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	43,689	
TOTAL:	POST PRISON RELEASE SUPERVISION		
	FROM GENERAL REVENUE FUND	15,423,427	
	FROM TRUST FUNDS		2,689,254
	TOTAL POSITIONS	310	
	TOTAL ALL FUNDS		18,112,681

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

808	EXPENSES		
	FROM GENERAL REVENUE FUND	5,639,534	
	FROM INMATE WELFARE TRUST FUND		150,000
809	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,500,000
809A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND	1,490,000	

The funds in Specific Appropriation 809A, from recurring General Revenue are allocated as follows:

Seminole County Drug Abuse Services (CBIR 402).....	200,000
Bridges of America.....	500,000
Freedom House (CBIR 793).....	400,000
Bridges of America Post-Release Transitional Housing Program.....	390,000

810	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS		
	FROM GENERAL REVENUE FUND	22,593,488	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000

The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: $24,000,000 is transferred to the General Revenue fund and $2,000,000 is for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the $24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed $26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.

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From the funds in Specific Appropriation 810, up to $600,000 may be used to contract with the Bridges of America facility in St. Petersburg for up to 75 substance abuse treatment beds provided that there is no negative impact on other contract providers or the availability of services in other areas of the state. The department may utilize its authority pursuant to Chapter 216, Florida Statutes, to transfer funds, if necessary to avoid negatively impacting other providers or areas of the state, if it chooses to exercise the authority granted in this paragraph.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 29,723,022
FROM TRUST FUNDS 3,650,000

TOTAL ALL FUNDS 33,373,022

OFFENDER MANAGEMENT AND CONTROL

811 SALARIES AND BENEFITS POSITIONS 37
FROM GENERAL REVENUE FUND 869,266

812 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,545

813 EXPENSES
FROM GENERAL REVENUE FUND 383,437

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 1,273,248

TOTAL POSITIONS 37
TOTAL ALL FUNDS 1,273,248

INFORMATION TECHNOLOGY

813A SALARIES AND BENEFITS POSITIONS 20
FROM GENERAL REVENUE FUND 1,016,812

813B EXPENSES
FROM GENERAL REVENUE FUND 2,785,093
FROM OPERATING TRUST FUND 424,010

813C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,393,709
FROM OPERATING TRUST FUND 519,737
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND 1,402,763

813D DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM OPERATING TRUST FUND 244,901

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 5,195,614
FROM TRUST FUNDS 2,591,411

TOTAL POSITIONS 20
TOTAL ALL FUNDS 7,787,025

COMMUNITY FACILITY OPERATIONS

815 SALARIES AND BENEFITS POSITIONS 109
FROM GENERAL REVENUE FUND 1,395,327
FROM OPERATING TRUST FUND 3,616,415

816 EXPENSES
FROM GENERAL REVENUE FUND 1,125,432

817 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 336,437

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817A SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 500,000

The funds in Specific Appropriation 817A, from recurring General Revenue are allocated as follows:

Jail Diversion Initiative-Volusia/Flagler Cnty (CBIR 470)... 500,000

818 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 45,788

TOTAL: COMMUNITY FACILITY OPERATIONS
FROM GENERAL REVENUE FUND 3,402,984
FROM TRUST FUNDS 3,616,415

TOTAL POSITIONS 109
TOTAL ALL FUNDS 7,019,399

PROGRAM: HEALTH SERVICES

Funds and FTE are provided in Specific Appropriations 819 through 832 to provide inmate health services in the correctional system at a capacity of 74,542 prison beds and to increase funding for health care services to accommodate an average projected daily population of 73,641 inmates.

From the funds in Specific Appropriations 819 through 832, the Health Services Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of health care grievances upheld	1.4%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

INMATE HEALTH SERVICES

819 SALARIES AND BENEFITS POSITIONS 1,947
FROM GENERAL REVENUE FUND 94,108,550

820 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,637,743

821 EXPENSES
FROM GENERAL REVENUE FUND 7,224,382

822 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 276,921

822A LUMP SUM
CJEC INMATE POPULATION INCREASE
POSITIONS 3
FROM GENERAL REVENUE FUND 1,325,062

The funds in Specific Appropriation 822A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.

823 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,243,208

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824 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 80,376,764

825 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND 16,099,398

826 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND 9,918,987

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 213,211,015

TOTAL POSITIONS 1,950
TOTAL ALL FUNDS 213,211,015

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

827 SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 83,592
FROM GRANTS AND DONATIONS TRUST FUND . . . 274,755

828 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 184,207

829 EXPENSES
FROM GENERAL REVENUE FUND 200,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 562,725

830 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,019

831 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 5,252,405

832 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS
FROM GENERAL REVENUE FUND 27,966,581

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES
FROM GENERAL REVENUE FUND 33,502,578
FROM TRUST FUNDS 1,048,706

TOTAL POSITIONS 9
TOTAL ALL FUNDS 34,551,284

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

From the funds in Specific Appropriations 833 through 848, the Education and Rehabilitation Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of inmates who successfully complete GED Education Programs	11.0%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

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833 SALARIES AND BENEFITS POSITIONS 36
FROM GENERAL REVENUE FUND 630,158
FROM GRANTS AND DONATIONS TRUST FUND . . . 966,454

834 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 188,561

835 EXPENSES
FROM GENERAL REVENUE FUND 46,621
FROM GRANTS AND DONATIONS TRUST FUND . . . 622,865

836 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 73,600

837 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 7,344,839
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,718,153
FROM INMATE WELFARE TRUST FUND 4,000,000

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 8,021,618
FROM TRUST FUNDS 7,569,633

TOTAL POSITIONS 36
TOTAL ALL FUNDS 15,591,251

BASIC EDUCATION SKILLS

838 SALARIES AND BENEFITS POSITIONS 607
FROM GENERAL REVENUE FUND 15,794,101
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,118,016
FROM INMATE WELFARE TRUST FUND 7,132,233

839 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 666,172
FROM INMATE WELFARE TRUST FUND 2,169,812

840 EXPENSES
FROM GENERAL REVENUE FUND 568,306
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,134,581
FROM INMATE WELFARE TRUST FUND 4,298,098

841 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,093
FROM GRANTS AND DONATIONS TRUST FUND . . . 469,386

842 SPECIAL CATEGORIES
GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT
FROM GRANTS AND DONATIONS TRUST FUND . . . 494,974

843 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 69,229

844 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 135,745

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND 16,570,474
FROM TRUST FUNDS 19,483,272

TOTAL POSITIONS 607
TOTAL ALL FUNDS 36,053,746

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

845 SALARIES AND BENEFITS POSITIONS 214
FROM GENERAL REVENUE FUND 5,343,502

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FROM GRANTS AND DONATIONS TRUST FUND . . .		268,818
FROM INMATE WELFARE TRUST FUND		2,661,964
846 OTHER PERSONAL SERVICES		
FROM INMATE WELFARE TRUST FUND		202,544
847 EXPENSES		
FROM GENERAL REVENUE FUND	1,954,802	
FROM GRANTS AND DONATIONS TRUST FUND . . .		634,228
FROM INMATE WELFARE TRUST FUND		761,178
848 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	36,084	
TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT		
FROM GENERAL REVENUE FUND	7,334,388	
FROM TRUST FUNDS		4,528,732
TOTAL POSITIONS	214	
TOTAL ALL FUNDS		11,863,120

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

849 SALARIES AND BENEFITS POSITIONS	32	
FROM GENERAL REVENUE FUND	1,317,623	
FROM GRANTS AND DONATIONS TRUST FUND . . .		29,920
850 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,600	
851 EXPENSES		
FROM GENERAL REVENUE FUND	260,019	
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,825
852 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	16,354	
853 LUMP SUM		
STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/ GRANT POSITIONS		
POSITIONS	60	

The positions in Specific Appropriation 853 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2001-2002 Fiscal Year that will recur for a minimum of 3 years. The commission may request the transfer of these positions to the offices of the State Attorneys and Public Defenders as needed. Such transfer is contingent upon the commission notifying and providing documentation of the grant received to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting. Such notification is subject to the legislative objection provisions of Chapter 216, Florida Statutes.

854 LUMP SUM		
REPLACEMENT OF INFORMATION TECHNOLOGY EQUIPMENT		
FROM GENERAL REVENUE FUND	138,000	
855 SPECIAL CATEGORIES		
SEXUAL PREDATOR CIVIL COMMITMENT LITIGATION COSTS		
FROM GENERAL REVENUE FUND	1,079,194	

Funds in Specific Appropriation 855 are provided for case-related expenses associated with prosecuting and defending sexual predator civil commitment cases including, but not limited to, expert witness fees and court reporter costs. These funds shall not be used to compensate court appointed attorneys. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney and the Public Defender, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the Senate Appropriations Committee and the House Fiscal Responsibility Council describing, by judicial circuit, requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

856 SPECIAL CATEGORIES		
DEPENDENCY COUNSEL		
FROM GENERAL REVENUE FUND	3,500,000	
857 SPECIAL CATEGORIES		
CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPES		
FROM GENERAL REVENUE FUND	90,125	
858 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,174	
859 SPECIAL CATEGORIES		
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT		
FROM GENERAL REVENUE FUND	133,840	
860 SPECIAL CATEGORIES		
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING		
FROM GENERAL REVENUE FUND	35,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		125,000
861 SPECIAL CATEGORIES		
TRANSFER TO THE DEPARTMENT OF BANKING AND FINANCE FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS		
FROM GENERAL REVENUE FUND	1,000,000	
861A DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	10,000	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	7,612,929	
FROM TRUST FUNDS		159,745
TOTAL POSITIONS	92	
TOTAL ALL FUNDS		7,772,674

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 862 through 1003. Funding for this office shall not exceed $338,250.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

862 SALARIES AND BENEFITS POSITIONS	197	
FROM GENERAL REVENUE FUND	9,354,836	
FROM GRANTS AND DONATIONS TRUST FUND . . .		336,798
863 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	17,213	
865A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		60,000

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865B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	382,215	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		59,357
FROM GRANTS AND DONATIONS TRUST FUND . . .		501,352
866 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	34,148	
867 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,998	
TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,798,410	
FROM TRUST FUNDS		957,507
TOTAL POSITIONS	197	
TOTAL ALL FUNDS		10,755,917
PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT		
869 SALARIES AND BENEFITS POSITIONS	114	
FROM GENERAL REVENUE FUND	5,497,653	
FROM GRANTS AND DONATIONS TRUST FUND . . .		316,808
870 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	18,386	
FROM GRANTS AND DONATIONS TRUST FUND . . .		141,480
872A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000
872B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	281,535	
FROM GRANTS AND DONATIONS TRUST FUND . . .		266,477
873 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	45,472	
874 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,195	
TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	5,851,241	
FROM TRUST FUNDS		784,765
TOTAL POSITIONS	114	
TOTAL ALL FUNDS		6,636,006
PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT		
876 SALARIES AND BENEFITS POSITIONS	63	
FROM GENERAL REVENUE FUND	3,135,911	
FROM GRANTS AND DONATIONS TRUST FUND . . .		114,146
877 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,605	
FROM GRANTS AND DONATIONS TRUST FUND . . .		11,440
879A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		80,000
879B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	224,763	
FROM CIVIL RICO TRUST FUND		11,946
FROM GRANTS AND DONATIONS TRUST FUND . . .		127,783
880 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,861	
881 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,110	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,385,250	
FROM TRUST FUNDS		345,315
TOTAL POSITIONS	63	
TOTAL ALL FUNDS		3,730,565
PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT		
883 SALARIES AND BENEFITS POSITIONS	345	
FROM GENERAL REVENUE FUND	15,675,775	
FROM GRANTS AND DONATIONS TRUST FUND . . .		961,474
884 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	147,500	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,815
FROM GRANTS AND DONATIONS TRUST FUND . . .		351,795
886A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		120,000
886B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	169,128	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		47,146
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,258,149
887 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	64,269	
888 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	16,068,219	
FROM TRUST FUNDS		2,802,379
TOTAL POSITIONS	345	
TOTAL ALL FUNDS		18,870,598
PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT		
890 SALARIES AND BENEFITS POSITIONS	202	
FROM GENERAL REVENUE FUND	9,409,124	
FROM GRANTS AND DONATIONS TRUST FUND . . .		203,861
891 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,732	
FROM GRANTS AND DONATIONS TRUST FUND . . .		79,194
893A SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	393,376	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		111,037

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894 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 55,231

895 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 15,938

TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,884,401
FROM TRUST FUNDS 395,092

TOTAL POSITIONS 202
TOTAL ALL FUNDS 10,279,493

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

897 SALARIES AND BENEFITS POSITIONS 459
FROM GENERAL REVENUE FUND 19,419,997
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,565,423

898 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 64,204
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,662

900A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

900B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 460,640
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,004,292

901 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 93,828

902 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,009

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 20,061,678
FROM TRUST FUNDS 3,686,377

TOTAL POSITIONS 459
TOTAL ALL FUNDS 23,748,055

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

904 SALARIES AND BENEFITS POSITIONS 219
FROM GENERAL REVENUE FUND 10,270,648
FROM GRANTS AND DONATIONS TRUST FUND . . . 583,591

905 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,264
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,867

907A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,000

907B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 261,184
FROM GRANTS AND DONATIONS TRUST FUND . . . 863,012

908 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,608

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909 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,171
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,626,875
FROM TRUST FUNDS 1,690,470

TOTAL POSITIONS 219
TOTAL ALL FUNDS 12,317,345

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

911 SALARIES AND BENEFITS POSITIONS 158
FROM GENERAL REVENUE FUND 5,930,210
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,587,824

912 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,640
FROM GRANTS AND DONATIONS TRUST FUND . . . 88,934

914A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

914B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 267,794
FROM GRANTS AND DONATIONS TRUST FUND . . . 733,924

915 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,627

916 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 13,676

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,251,947
FROM TRUST FUNDS 2,470,682

TOTAL POSITIONS 158
TOTAL ALL FUNDS 8,722,629

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

918 SALARIES AND BENEFITS POSITIONS 301
FROM GENERAL REVENUE FUND 14,200,428
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 126,283
FROM GRANTS AND DONATIONS TRUST FUND . . . 243,689

919 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 92,265
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 63,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

921A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 20,000

921B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 325,311
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 94,838
FROM GRANTS AND DONATIONS TRUST FUND . . . 207,682

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922 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	109,009	
923 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	27,936	
TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	14,754,949	
FROM TRUST FUNDS		756,492
TOTAL POSITIONS	301	
TOTAL ALL FUNDS		15,511,441

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

925 SALARIES AND BENEFITS POSITIONS	202	
FROM GENERAL REVENUE FUND	8,819,778	
FROM GRANTS AND DONATIONS TRUST FUND . . .		686,998
926 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	17,871	
FROM GRANTS AND DONATIONS TRUST FUND . . .		97,580
928A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
928B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	275,501	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		14,408
FROM GRANTS AND DONATIONS TRUST FUND . . .		428,918
929 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	52,781	
930 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	14,545	
TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,180,476	
FROM TRUST FUNDS		1,267,904
TOTAL POSITIONS	202	
TOTAL ALL FUNDS		10,448,380

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

932 SALARIES AND BENEFITS POSITIONS	1,196	
FROM GENERAL REVENUE FUND	37,018,310	
FROM CHILD SUPPORT TRUST FUND		14,220,709
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,663,696
933 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	243,644	
FROM CHILD SUPPORT TRUST FUND		904,900
FROM GRANTS AND DONATIONS TRUST FUND . . .		45,914
935A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		80,000
935B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	768,360	

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FROM CHILD SUPPORT TRUST FUND		3,318,503
FROM CIVIL RICO TRUST FUND		82,000
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		676,445
FROM GRANTS AND DONATIONS TRUST FUND . . .		676,318
936 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	388,173	
FROM CHILD SUPPORT TRUST FUND		37,210
937 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	22,500	
TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	38,440,987	
FROM TRUST FUNDS		21,705,695
TOTAL POSITIONS	1,196	
TOTAL ALL FUNDS		60,146,682

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT

939 SALARIES AND BENEFITS POSITIONS	174	
FROM GENERAL REVENUE FUND	8,516,741	
940 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	11,375	
942A SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	397,389	
FROM GRANTS AND DONATIONS TRUST FUND . . .		194,669
943 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	41,636	
944 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,580	
TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	8,976,721	
FROM TRUST FUNDS		194,669
TOTAL POSITIONS	174	
TOTAL ALL FUNDS		9,171,390

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT

946 SALARIES AND BENEFITS POSITIONS	323	
FROM GENERAL REVENUE FUND	15,339,707	
FROM GRANTS AND DONATIONS TRUST FUND . . .		541,827
947 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	100,177	
FROM GRANTS AND DONATIONS TRUST FUND . . .		48,838
949A SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	286,197	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		16,293
FROM GRANTS AND DONATIONS TRUST FUND . . .		281,408
950 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	85,343	

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951 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,913

TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 15,818,337
FROM TRUST FUNDS 888,366

TOTAL POSITIONS 323
TOTAL ALL FUNDS 16,706,703

PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT

953 SALARIES AND BENEFITS POSITIONS 92
FROM GENERAL REVENUE FUND 4,539,343
FROM GRANTS AND DONATIONS TRUST FUND . . . 219,328

954 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,721
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,900

956A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 41,052

956B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 217,870
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,119

957 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,486

958 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,794

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,776,214
FROM TRUST FUNDS 390,399

TOTAL POSITIONS 92
TOTAL ALL FUNDS 5,166,613

PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT

960 SALARIES AND BENEFITS POSITIONS 311
FROM GENERAL REVENUE FUND 14,759,328
FROM GRANTS AND DONATIONS TRUST FUND . . . 719,067

961 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 56,629
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,120

963A SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 535,518
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,281

964 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,960

965 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 10,702
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

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TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 15,426,137
FROM TRUST FUNDS 1,280,468

TOTAL POSITIONS 311
TOTAL ALL FUNDS 16,706,605

PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT

967 SALARIES AND BENEFITS POSITIONS 59
FROM GENERAL REVENUE FUND 2,884,488
FROM GRANTS AND DONATIONS TRUST FUND . . . 278,790

968 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,684
FROM GRANTS AND DONATIONS TRUST FUND . . . 176,054

970A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

970B SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 158,719
FROM GRANTS AND DONATIONS TRUST FUND . . . 221,884

971 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 27,484

972 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,129

TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,093,504
FROM TRUST FUNDS 736,728

TOTAL POSITIONS 59
TOTAL ALL FUNDS 3,830,232

PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT

974 SALARIES AND BENEFITS POSITIONS 454
FROM GENERAL REVENUE FUND 21,925,328
FROM GRANTS AND DONATIONS TRUST FUND . . . 278,441

975 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 90,566
FROM GRANTS AND DONATIONS TRUST FUND . . . 94,632

978A SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 815,572
FROM GRANTS AND DONATIONS TRUST FUND . . . 359,752

979 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 168,385

980 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,786

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 23,023,637
FROM TRUST FUNDS 732,825

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TOTAL POSITIONS	454	
TOTAL ALL FUNDS		23,756,462

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

983 SALARIES AND BENEFITS POSITIONS	275	
FROM GENERAL REVENUE FUND	12,295,731	
FROM GRANTS AND DONATIONS TRUST FUND . . .		747,964
984 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,868	
FROM GRANTS AND DONATIONS TRUST FUND . . .		92,500
986A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		79,932
986B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	484,352	
FROM CONSUMER FRAUDS TRUST FUND		1,028
FROM GRANTS AND DONATIONS TRUST FUND . . .		186,076
987 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	41,870	
988 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,707	
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	12,851,528	
FROM TRUST FUNDS		1,107,500
TOTAL POSITIONS	275	
TOTAL ALL FUNDS		13,959,028

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

990 SALARIES AND BENEFITS POSITIONS	144	
FROM GENERAL REVENUE FUND	6,358,758	
FROM GRANTS AND DONATIONS TRUST FUND . . .		275,000
991 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,658	
994 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		16,300
994A SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	261,217	
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,704
995 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	35,816	
996 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,874	
TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,684,323	
FROM TRUST FUNDS		302,004

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	144	
TOTAL ALL FUNDS		6,986,327

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

998 SALARIES AND BENEFITS POSITIONS	237	
FROM GENERAL REVENUE FUND	10,840,994	
FROM CIVIL RICO TRUST FUND		253,968
FROM GRANTS AND DONATIONS TRUST FUND . . .		313,243
999 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	14,574	
FROM GRANTS AND DONATIONS TRUST FUND . . .		89,749
1001A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CIVIL RICO TRUST FUND		20,000
1001B SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	313,927	
FROM CIVIL RICO TRUST FUND		57,102
FROM GRANTS AND DONATIONS TRUST FUND . . .		389,014
1002 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	321,006	
1003 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	21,288	
FROM GRANTS AND DONATIONS TRUST FUND . . .		480
TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	11,511,789	
FROM TRUST FUNDS		1,123,556
TOTAL POSITIONS	237	
TOTAL ALL FUNDS		12,635,345

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgeting needs may be shared by each Public Defender's office within the funds provided in Specific Appropriations 1005 through 1151A. The total funding for this office shall not exceed $338,250.

From the funds provided in Specific Appropriations 1005 through 1151A, the Public Defenders' Coordination Office shall submit a quarterly report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing the number of appellate and trial level conflict cases in each judicial circuit. Such reports must specify the number of "ethical" conflicts and "overload" conflict cases (as described in ss. 27.53(3) and 27.54(2)(b), Florida Statutes, respectively).

From the funds in Specific Appropriations 1005 through 1151A, a Public Defender may reimburse any employee who purchased, at his or her own expense, additional retirement credit in the elected state and county officers class, for time spent as an employee of the Public Defender, in the Florida Retirement System up to the amount actually spent by the employee.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

1005 SALARIES AND BENEFITS POSITIONS	113	
FROM GENERAL REVENUE FUND	5,537,336	
1006 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	22,888	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		30,000

SECTION 4
SPECIFIC
APPROPRIATION

1008A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 40,000

1009A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 177,119
FROM GRANTS AND DONATIONS TRUST FUND . . . 62,142
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 99,215

1010 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,191

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,747,534
FROM TRUST FUNDS 231,357

TOTAL POSITIONS 113
TOTAL ALL FUNDS 5,978,891

PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT

1011 SALARIES AND BENEFITS POSITIONS 81
FROM GENERAL REVENUE FUND 3,821,867
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,504

1012 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,744
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 13,750

1015A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 181,198
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,117
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 54,050

1016 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,011

TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,029,820
FROM TRUST FUNDS 137,421

TOTAL POSITIONS 81
TOTAL ALL FUNDS 4,167,241

PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

1017 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,764,327

1018 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 10,000

1020A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 19,000

1021A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 115,100
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,416

SECTION 4
SPECIFIC
APPROPRIATION

FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 28,785

1022 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,676

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,889,990
FROM TRUST FUNDS 78,201

TOTAL POSITIONS 30
TOTAL ALL FUNDS 1,968,191

PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT

1023 SALARIES AND BENEFITS POSITIONS 150
FROM GENERAL REVENUE FUND 7,556,494

1024 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 71,000

1026A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 19,000

1027A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 224,088
FROM GRANTS AND DONATIONS TRUST FUND . . . 101,105
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 62,195

1028 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,003

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,834,862
FROM TRUST FUNDS 253,300

TOTAL POSITIONS 150
TOTAL ALL FUNDS 8,088,162

PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT

1029 SALARIES AND BENEFITS POSITIONS 79
FROM GENERAL REVENUE FUND 3,757,229
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,746

1030 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000

1032A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 18,442

1033A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 140,685
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,555
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 240,382

1034 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,002

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,924,916
FROM TRUST FUNDS 376,125

TOTAL POSITIONS 79
TOTAL ALL FUNDS 4,301,041

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT

1035 SALARIES AND BENEFITS POSITIONS 199
FROM GENERAL REVENUE FUND 9,782,462

1036 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

1039A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 408,006
FROM GRANTS AND DONATIONS TRUST FUND . . . 111,667
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 223,047

1040 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 45,153

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,318,488
FROM TRUST FUNDS 334,714

TOTAL POSITIONS 199
TOTAL ALL FUNDS 10,653,202

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT

1041 SALARIES AND BENEFITS POSITIONS 112
FROM GENERAL REVENUE FUND 5,370,955

1042 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 3,230

1045A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 127,306
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,633
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 161,107

1046 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,855

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,519,150
FROM TRUST FUNDS 223,970

TOTAL POSITIONS 112
TOTAL ALL FUNDS 5,743,120

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT

1047 SALARIES AND BENEFITS POSITIONS 68
FROM GENERAL REVENUE FUND 3,368,112

1048 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 23,000

SECTION 4
SPECIFIC
APPROPRIATION

1050A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 18,000

1051A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 86,714
FROM GRANTS AND DONATIONS TRUST FUND . . . 37,564
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 85,676

1052 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,709

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,472,454
FROM TRUST FUNDS 164,240

TOTAL POSITIONS 68
TOTAL ALL FUNDS 3,636,694

PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT

1053 SALARIES AND BENEFITS POSITIONS 136
FROM GENERAL REVENUE FUND 6,505,874

1054 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000

1056A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 72,000

1057A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 176,140
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,048
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 647,304

1058 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 37,545

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,744,559
FROM TRUST FUNDS 793,352

TOTAL POSITIONS 136
TOTAL ALL FUNDS 7,537,911

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

1059 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 5,198,766

1060 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 6,200

1063A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 138,689
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,135
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 148,160

SECTION 4
SPECIFIC
APPROPRIATION

1064 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,560

TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,381,595
FROM TRUST FUNDS 212,495

TOTAL POSITIONS 107
TOTAL ALL FUNDS 5,594,090

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT

1065 SALARIES AND BENEFITS POSITIONS 374
FROM GENERAL REVENUE FUND 17,247,579
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,947,251

1066 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 120,000

1069A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 448,362
FROM GRANTS AND DONATIONS TRUST FUND . . . 197,791
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 382,693

1070 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 95,660

TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 17,886,818
FROM TRUST FUNDS 2,687,735

TOTAL POSITIONS 374
TOTAL ALL FUNDS 20,574,553

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT

1071 SALARIES AND BENEFITS POSITIONS 89
FROM GENERAL REVENUE FUND 4,340,806

1072 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699

1075A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 304,148
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,622
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 116,646

1076 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,323

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,688,976
FROM TRUST FUNDS 167,268

TOTAL POSITIONS 89
TOTAL ALL FUNDS 4,856,244

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

1077 SALARIES AND BENEFITS POSITIONS 186
FROM GENERAL REVENUE FUND 8,932,186

1078 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954

1080A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 40,000

1081A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 585,244
FROM GRANTS AND DONATIONS TRUST FUND . . . 103,774
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 126,159

1082 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,951

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,603,335
FROM TRUST FUNDS 269,933

TOTAL POSITIONS 186
TOTAL ALL FUNDS 9,873,268

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

1083 SALARIES AND BENEFITS POSITIONS 44
FROM GENERAL REVENUE FUND 2,610,215

1084 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 43,103

1087A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 140,570
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,858
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 128,292

1088 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,754

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,761,640
FROM TRUST FUNDS 201,253

TOTAL POSITIONS 44
TOTAL ALL FUNDS 2,962,893

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

1089 SALARIES AND BENEFITS POSITIONS 188
FROM GENERAL REVENUE FUND 8,649,923

1090 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 93,620

1093A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES

SECTION 4
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	151,238	
FROM GRANTS AND DONATIONS TRUST FUND . . .		98,831
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		246,397
1094 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	55,385	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,104,745	
FROM TRUST FUNDS		438,848
TOTAL POSITIONS	188	
TOTAL ALL FUNDS		9,543,593

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

1095 SALARIES AND BENEFITS POSITIONS	41	
FROM GENERAL REVENUE FUND	1,995,265	
1096 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	13,468	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,000
1099A SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	134,755	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,112
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		13,005
1100 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,498	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,145,986	
FROM TRUST FUNDS		46,117
TOTAL POSITIONS	41	
TOTAL ALL FUNDS		2,192,103

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

1102 SALARIES AND BENEFITS POSITIONS	203	
FROM GENERAL REVENUE FUND	10,434,319	
1103 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	86,757	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		36,000
1105A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		190,000
1106A SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	344,107	
FROM GRANTS AND DONATIONS TRUST FUND . . .		118,533
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		200,375
1107 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	28,344	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	10,893,527	
FROM TRUST FUNDS		544,908
TOTAL POSITIONS	203	
TOTAL ALL FUNDS		11,438,435

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

1108 SALARIES AND BENEFITS POSITIONS	96	
FROM GENERAL REVENUE FUND	4,585,511	
1109 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,953	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		24,000
1111A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		80,000
1112A SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	204,675	
FROM GRANTS AND DONATIONS TRUST FUND . . .		52,274
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		241,340
1113 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,810	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,809,949	
FROM TRUST FUNDS		397,614
TOTAL POSITIONS	96	
TOTAL ALL FUNDS		5,207,563

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

1114 SALARIES AND BENEFITS POSITIONS	69	
FROM GENERAL REVENUE FUND	3,271,740	
1115 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,893	
1118A SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	188,356	
FROM GRANTS AND DONATIONS TRUST FUND . . .		38,084
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		188,767
1119 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	47,754	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,518,743	
FROM TRUST FUNDS		226,851
TOTAL POSITIONS	69	
TOTAL ALL FUNDS		3,745,594

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

1121 SALARIES AND BENEFITS POSITIONS 88
FROM GENERAL REVENUE FUND 3,939,245
FROM GRANTS AND DONATIONS TRUST FUND . . . 194,355

1122 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,287
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 53,000

1125A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 195,557
FROM GRANTS AND DONATIONS TRUST FUND . . . 44,945
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 124,026

1126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,143

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,155,232
FROM TRUST FUNDS 416,326

TOTAL POSITIONS 88
TOTAL ALL FUNDS 4,571,558

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

1127 SALARIES AND BENEFITS POSITIONS 35
FROM GENERAL REVENUE FUND 1,943,058

1128 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,500

1131A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 191,366

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,141,924

TOTAL POSITIONS 35
TOTAL ALL FUNDS 2,141,924

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

1132 SALARIES AND BENEFITS POSITIONS 33
FROM GENERAL REVENUE FUND 1,799,056

1133 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

1136A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 204,414

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,005,870

TOTAL POSITIONS 33
TOTAL ALL FUNDS 2,005,870

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

1137 SALARIES AND BENEFITS POSITIONS 51
FROM GENERAL REVENUE FUND 2,727,882

1138 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 305,744

1141A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 203,986

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,237,612

TOTAL POSITIONS 51
TOTAL ALL FUNDS 3,237,612

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

1142 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 1,690,390

1143 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

1146A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 127,754

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,827,309

TOTAL POSITIONS 24
TOTAL ALL FUNDS 1,827,309

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT

1147 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 2,759,231

1148 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

1151A SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 166,462

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,933,530

TOTAL POSITIONS 38
TOTAL ALL FUNDS 2,933,530

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: NORTHERN REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL

1152 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,502,428

1153 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,218

1154 EXPENSES
FROM GENERAL REVENUE FUND 368,708

SECTION 4
SPECIFIC
APPROPRIATION
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 41,222

1155 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,549

1155A SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 541,280

1156 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 40,672

1157 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,784

1158 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 6,500

TOTAL: CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL
FROM GENERAL REVENUE FUND 2,479,467
FROM TRUST FUNDS 81,894

TOTAL POSITIONS 29
TOTAL ALL FUNDS 2,561,361

PROGRAM: MIDDLE REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL

1159 SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 2,108,170

1160 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,307

1161 EXPENSES
FROM GENERAL REVENUE FUND 524,663
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 32,159

1162 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,321

1162A SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 610,244

1163 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 31,327

1164 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,136

1165 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 10,963

1166 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

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TOTAL: CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL
FROM GENERAL REVENUE FUND 3,312,304
FROM TRUST FUNDS 63,486

TOTAL POSITIONS 39
TOTAL ALL FUNDS 3,375,790

PROGRAM: SOUTHERN REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL

1167 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,653,621

1168 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 41,544

1169 EXPENSES
FROM GENERAL REVENUE FUND 429,217
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 28,241

1170 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,038

1170A SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 814,303

1171 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 27,510

1172 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,058

1173 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 7,475

1174 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL
FROM GENERAL REVENUE FUND 2,952,756
FROM TRUST FUNDS 55,751

TOTAL POSITIONS 30
TOTAL ALL FUNDS 3,008,507

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall develop a plan to improve the performance of the department in meeting statutory reporting requirements, improve the accuracy and reliability of other data provided by the department to the Legislature, the Governor and the public, and to correct deficiencies noted by the Auditor General in report number 01-060. A copy of the plan shall be delivered to the Governor, the President of the Senate, and to the Speaker of the House of Representatives by October 1, 2001.

From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the

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number of youth transported and all costs associated with youth transportation. This information shall be reported semi-annually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource youth transportation services. The first report shall be delivered by February 1, 2002.

From the funds in Specific Appropriations 1175 through 1235, each provider who contracts with the Department of Juvenile Justice must provide the Department of Juvenile Justice with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

In implementing any reductions, the department shall target programs operating below statewide performance outcomes as measured by non-recidivism rates, quality assurance scores and costs and may reallocate funds across budget entities as appropriate to accomplish such targeting.

PROGRAM: JUVENILE DETENTION PROGRAM

From the funds in Specific Appropriations 1175 through 1187A, the Juvenile Detention Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of escapes from secure detention facilities	0
Percent of successful completions of home detention without committing a new law or contract violation, failure to appear, an abscond or contempt of court	75%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

DETENTION CENTERS

From the funds in Specific Appropriation 1181, the department shall outsource detention center food services and maintenance functions. The positions in Specific Appropriation 1175 reflect a reduction of 159 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 159 positions which are to be deleted by January 1, 2002.

1175	SALARIES AND BENEFITS POSITIONS 2,268		
	FROM GENERAL REVENUE FUND	77,384,329	
	FROM GRANTS AND DONATIONS TRUST FUND		39,104
1176	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,330,332	
	FROM GRANTS AND DONATIONS TRUST FUND		106,204
1177	EXPENSES		
	FROM GENERAL REVENUE FUND	9,156,852	
	FROM GRANTS AND DONATIONS TRUST FUND		1,259,074
1178	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	252,415	
	FROM GRANTS AND DONATIONS TRUST FUND		7,293
1179	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,048,312	
	FROM GRANTS AND DONATIONS TRUST FUND		1,727,806

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1180	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	56,546	
1180A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND	595,524	

The funds in Specific Appropriation 1180A, from recurring General Revenue, are allocated as follows:

Mental Health Overlay for Orange Co. Det. Ctr.(CBIR 2164)	183,024
Village Inn for Girls	300,000
Mental Health Overlay Services at Osceola Regional(CBIR 826)	112,500

1181	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	6,224,165	
	FROM GRANTS AND DONATIONS TRUST FUND		1,087,326
1182	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,927,551	
1183	FIXED CAPITAL OUTLAY		
	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
	FROM GENERAL REVENUE FUND	82,915	
	FROM GRANTS AND DONATIONS TRUST FUND		987,357
TOTAL:	DETENTION CENTERS		
	FROM GENERAL REVENUE FUND	101,058,941	
	FROM TRUST FUNDS		5,214,164
	TOTAL POSITIONS	2,268	
	TOTAL ALL FUNDS		106,273,105

HOME DETENTION

From the funds in Specific Appropriation 1187, the department shall outsource home detention community supervision functions. The positions in Specific Appropriation 1184 reflect a reduction of 173 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 173 positions which are to be deleted by January 1, 2002.

1184	SALARIES AND BENEFITS POSITIONS 6		
	FROM GENERAL REVENUE FUND	2,963,980	
	FROM GRANTS AND DONATIONS TRUST FUND		10,000
1185	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	147,782	
1186	EXPENSES		
	FROM GENERAL REVENUE FUND	414,917	
	FROM GRANTS AND DONATIONS TRUST FUND		77,675
1186A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND	750,000	

The funds in Specific Appropriation 1186A, from recurring General Revenue, are allocated as follows:

Secrets of Success (CBIR 1440)	750,000

1187	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	4,696,830	

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1187A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 220,419

TOTAL: HOME DETENTION
FROM GENERAL REVENUE FUND 9,193,928
FROM TRUST FUNDS 87,675

TOTAL POSITIONS 6
TOTAL ALL FUNDS 9,281,603

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1118 through 1199A, the Probation and Community Corrections program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of youth who remain crime free during aftercare supervision	67%
Percentage of youth who remain crime free one year after release from aftercare	60%
Percentage of youth who remain crime free one year after release from probation	80%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

AFTERCARE SERVICES - CONDITIONAL RELEASE

1188 SALARIES AND BENEFITS POSITIONS 25
FROM GENERAL REVENUE FUND 831,625

1189 EXPENSES
FROM GENERAL REVENUE FUND 138,188

1189A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,350,000

From the funds in Specific Appropriation 1189A, $1,350,000 from General Revenue is provided for Eckerd Youth Alternatives, Inc. - Early Intervention and Aftercare program as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7.

1190 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 20,225,980
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,500,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 992

1190A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,445

TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE
FROM GENERAL REVENUE FUND 22,576,238
FROM TRUST FUNDS 2,500,992

TOTAL POSITIONS 25
TOTAL ALL FUNDS 25,077,230

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JUVENILE PROBATION

1191 SALARIES AND BENEFITS POSITIONS 1,771
FROM GENERAL REVENUE FUND 56,713,518
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 7,544,148

1192 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,891,000

1193 EXPENSES
FROM GENERAL REVENUE FUND 12,211,141
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,796
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 564,708

1194 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 82,993

1195A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,180,000

The funds in Specific Appropriation 1195A, from recurring General Revenue are allocated as follows:

Juvenile Arrest and Monitor Unit (CBIR 235)..... 750,000
Sarasota Juvenile Assessment Center..... 210,000
Lee County Juvenile Assessment Center..... 120,000
Collier County Juvenile Assessment Center (CBIR 2765)..... 100,000

1196 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,556,363

1196A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,118,943

TOTAL: JUVENILE PROBATION
FROM GENERAL REVENUE FUND 87,753,958
FROM TRUST FUNDS 8,141,652

TOTAL POSITIONS 1,771
TOTAL ALL FUNDS 95,895,610

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1198A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,696,000

The funds in Specific Appropriation 1198A, are allocated as follows:

From recurring General Revenue Funds:
New Horizons Youth Academy Day Treatment Program (CBIR 1921) 200,000
IMPACT--AMI's Alternative Education Program for Juvenile Offenders (CBIR 1846)..... 1,000,000

From nonrecurring General Revenue Funds:
Eckerd Youth Academy-Replace 19 Vans 446,000
Restorative Justice (CBIR 795)..... 50,000

1199 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 22,543,993
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,011,323
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 81,003

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From the funds in Specific Appropriation 1199, the department may contract for the provision of non-residential sex offender treatment services.

From the funds in Specific Appropriations 1199, the department may transfer up to $2.3 million from General Revenue, if available due to program start-up delays or closures, to Specific Appropriation 1225 to fund the operating costs for new secure commitment beds in the event that new beds become available earlier than anticipted. The transfer of funds authorized by this paragraph shall be in accordance with all applicable provisions of Chapter 216, Florida Statutes, and may not result in reductions to ongoing service levels or payments to providers that meet or exceed contractually established performance standards.

1199A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY LOCAL DELINQUENCY INTERVENTION FACILITIES		
FROM GENERAL REVENUE FUND	1,080,000	

Funds in Specific Appropriation 1199A from nonrecurring General Revenue are provided for the following projects:

New Port Richey Marine Institute Education Center (CBIR 513)	500,000
Eckerd Youth Academy Dorm Replacement.....	580,000

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION		
FROM GENERAL REVENUE FUND	25,319,993	
FROM TRUST FUNDS		1,092,326
TOTAL ALL FUNDS		26,412,319

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1200 SALARIES AND BENEFITS POSITIONS 314		
FROM GENERAL REVENUE FUND	13,509,631	
FROM GRANTS AND DONATIONS TRUST FUND . . .		300,901
1201 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	846,098	
FROM ADMINISTRATIVE TRUST FUND		72,341
FROM JUVENILE JUSTICE TRAINING TRUST FUND		11,712
1202 EXPENSES		
FROM GENERAL REVENUE FUND	4,411,226	
FROM ADMINISTRATIVE TRUST FUND		210,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		423,392
FROM JUVENILE JUSTICE TRAINING TRUST FUND		685,709
1203 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	39,836	
1204 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	450,000	
1205 SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	18,653	
1206 SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	540,152	
FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,190,645
1207 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	401,260	

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	20,216,856	
FROM TRUST FUNDS		3,894,700
TOTAL POSITIONS	314	
TOTAL ALL FUNDS		24,111,556

INFORMATION TECHNOLOGY

1208A SALARIES AND BENEFITS POSITIONS 78		
FROM GENERAL REVENUE FUND	3,603,316	
1208B EXPENSES		
FROM GENERAL REVENUE FUND	3,133,362	
FROM ADMINISTRATIVE TRUST FUND		49,793
FROM GRANTS AND DONATIONS TRUST FUND . . .		29,111
1208C OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	103,149	
1208D SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	107,774	
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	6,947,601	
FROM TRUST FUNDS		78,904
TOTAL POSITIONS	78	
TOTAL ALL FUNDS		7,026,505

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1210 through 1227, the Residential Corrections Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of youth who remain crime free one year after release	56%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

The funds in Specific Appropriations 1210 through 1227 include additional operations funding to bring a minimum of 1,152 newly constructed beds on-line during FY 2001-02. These funds shall be placed initially in reserve and may be released upon certification by the Department of Juvenile Justice and the Governor's Office of Policy and Budgeting that facilities are ready to open and that funds are not available from the closure of existing facilities or reductions to existing contracts to pay the costs of operating the new beds.

The department shall provide monthly reports identifying all residential commitment beds in operation on the last day of the month and a detailed listing of facilities that opened, closed, or increased or decreased capacity during the reporting period. The department may use up to $300,000 from General Revenue to contract for the design, development and implementation of a new "bed management component" of the Juvenile Justice Information System (JJIS). This JJIS enhancement shall be designed and developed to improve the collection, reporting, and forecasting of residential commitment bed capacity and utilization. Prior to the expenditure of funds for the "bed management component" of the JJIS system, the department shall submit their business plan for JJIS enhancements to the State Technology Office and the Technology Review Workgroup for their review and approval before entering into any contract.

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NON-SECURE RESIDENTIAL COMMITMENT

1210	SALARIES AND BENEFITS POSITIONS 491		
	FROM GENERAL REVENUE FUND	13,893,591	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,627,148
1211	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	302,554	
1212	EXPENSES		
	FROM GENERAL REVENUE FUND	3,206,772	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		307,147
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,327
1213	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	179,957	
1214	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	884,428	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,862
1215	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	79,000	
1215A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND	1,437,235	

The funds in Specific Appropriation 1215A, from recurring General Revenue, are allocated as follows:

Project Craft/Orlando (CBIR 1276).....	162,235
Project CRAFT/Tampa (CBIR 859).....	325,000
DJJ Outreach Program @ Miami Children's Hospital (CBIR 1479)	950,000

1216	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	124,413,195	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,570,014
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,487,094
1216A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	465,193	
1217	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES		
	FROM GENERAL REVENUE FUND	6,637,248	
TOTAL:	NON-SECURE RESIDENTIAL COMMITMENT		
	FROM GENERAL REVENUE FUND	151,499,173	
	FROM TRUST FUNDS		8,602,592
	TOTAL POSITIONS	491	
	TOTAL ALL FUNDS		160,101,765

SECURE RESIDENTIAL COMMITMENT

1218	SALARIES AND BENEFITS POSITIONS 823		
	FROM GENERAL REVENUE FUND	21,314,751	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		185,706
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,220,760
1219	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	907,796	

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1220	EXPENSES		
	FROM GENERAL REVENUE FUND	4,398,926	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,969
1221	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,395,361	
1222	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	405,154	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		124,565
1223	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	447,787	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
1224	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	5,786,439	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273
1225	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	66,913,368	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,859,364
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		30,808,311

From the funds in Specific Appropriation 1225, $142,900 from recurring General Revenue is provided to the City of Pahokee as a payment in lieu of taxes.

From the funds provided in Specific Appropriation 1225, the Department of Juvenile Justice shall fund the annual operation of the Polk Youth Development Center, a secure, 350-bed facility for high risk youth, at a per diem rate of $78.29 times the minimum occupancy of 315 beds, plus $34.50 per bed for each bed in excess of 315.

1226	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	626,789	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,112
1227	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	2,895,735	
TOTAL:	SECURE RESIDENTIAL COMMITMENT		
	FROM GENERAL REVENUE FUND	105,092,106	
	FROM TRUST FUNDS		42,910,335
	TOTAL POSITIONS	823	
	TOTAL ALL FUNDS		148,002,441

PROGRAM: PREVENTION AND VICTIM SERVICES

From the funds in Specific Appropriations 1228 through 1235, the Prevention and Victim Services program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of youth who remain crime free six months after completing a prevention program.....	85%

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|Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.|

DELINQUENCY PREVENTION AND DIVERSION

1228 SALARIES AND BENEFITS POSITIONS 94
FROM GENERAL REVENUE FUND 4,468,642
FROM GRANTS AND DONATIONS TRUST FUND . . . 790,803

1229 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 461,628
FROM GRANTS AND DONATIONS TRUST FUND . . . 208,160

1230 EXPENSES
FROM GENERAL REVENUE FUND 407,423
FROM GRANTS AND DONATIONS TRUST FUND . . . 380,948

1230A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,300,000
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND 502,000

1231 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,900

1233 SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND 10,210,627

From the funds in Specific Appropriation 1233, $235,000 from recurring General Revenue is provided for the following projects:

PACE Volusia-Flagler Reach (CBIR 488, 471)..... 60,000
PACE Broward Pre-Teen Program (CBIR 1671, 1680)..... 100,000
PACE - Monroe County (CBIR 3364)..... 75,000

1233A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 9,874,852

The funds in Specific Appropriation 1233A, from recurring General Revenue are allocated as follows:

Boys & Girls Clubs of Hernando County (CBIR 404)..... 95,000
Targeted Outreach/Holly Hill (CBIR 1605)..... 20,000
Targeted Outreach/Oak Hill (CBIR 1818)..... 20,000
Targeted Outreach/Flagler (CBIR 1821)..... 20,000
Santa Rosa County Truancy Pick-Up Program (CBIR 732)..... 50,000
Suspension With a Purpose (S.W.A.P.) (CBIR 1961)..... 100,000
Boys and Girls Club of Citrus County, Inc (CBIR 317)..... 200,000
PRODIGY Program (CBIR 2641)..... 599,780
Believe & Achieve (CBIR 462)..... 100,000
CETARY Project (CBIR 184)..... 250,000
Hispanic Adolescents And Their Parents (HAAP) (CBIR 2331)... 200,000
G.A.P. - Girls Advocacy Project (CBIR 3310)..... 150,000
City of Jacksonville, Truancy Interdiction Pgm (CBIR 3156).. 200,000
Palm Beach County Truancy Interdiction Pgm (TIP) (CBIR 642). 250,000
South Side Boys and Girls Club (CBIR 2330)..... 100,000
ICYC After School Education & Recreation Program (CBIR 1211) 150,000
Project LIFT (CBIR 1355)..... 50,000
MAD DADS of Miami-Dade, Inc (CBIR 1299)..... 200,000
Boys and Girls Club/Escambia County Delinquency and Crime Prevention (CBIR 249)..... 18,000
St. Lucie Youth Intervention & Diversion Program (CBIR 577). 235,000
Youth Volunteer Corps (CBIR 648)..... 100,000
Southeast Florida Gang Activity Prevention (CBIR 377)..... 250,000
Cape Coral Youth Crime Intervention Program (CBIR 343)..... 50,000
Runaway / Youth Crisis Shelter (CBIR 3178)..... 150,000
Miami Love Youth-at-Risk (CBIR 1069)..... 200,000

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Community Coalition Prevention/Intervention Pgm (CBIR 1577). 385,000
Adult Mankind Org. Prevention/Intervention Pgm (CBIR 1787).. 750,000
Youth Co-op (CBIR 1872)..... 100,000
Enhancement of Community Policing through Community Schooling (CBIR 1196)..... 100,000
Youth Crime Prevention Initiative (CBIR 2954)..... 50,000
PAR Adolescent Intervention Center (PAIC) - (CBIR 847) - Pasco County..... 725,000
The Phoenix Project - Dade..... 75,000
East Unit Of The Boys & Girls Club Of Pasco County..... 100,000
Saber's Assistance To Youth - Dade..... 100,000
Kids In Domestic Situations - Pasco..... 200,000
Eckerd Youth Alternatives, Inc. - Early Intervention Enhancement (Prevention)..... 450,000
SER Jobs For Progress - Dade..... 100,000
Escambia After School Education & Training Program..... 50,000
Putnam County Past Program..... 50,000
Boys & Girls' Club Of Monroe County..... 25,000
Boys & Girls' Club Of Nassau County..... 100,000
Miami Rivers Of Life/Renewing The Vision (CBIR 3266)..... 100,000
Multi-Systemic Therapy - Escambia..... 100,000
R.T.P.E.D.C Computer Education Lab - Dade (CBIR 826)..... 149,072
Early Truancy Prevention Project - Lee (CBIR 404)..... 100,000
Youth Challenge Center - Statewide..... 200,000
Big Brothers/Big Sisters Of NW Florida - Escambia, Okaloosa, Santa Rosa, Walton (CBIR 399)..... 8,000
Volusia Bridges (CBIR 918)..... 100,000
Volusia Class (CBIR 964)..... 100,000
Cross Creek Youth Commission - St. Johns (CBIR 3250)..... 50,000
Alternative Diversion And Prevention Training - Brevard (CBIR 35)..... 150,000
Florida Keys Juvenile Services - Monroe (CBIR 3322)..... 20,000
Faith In Families/Family Focused Juvenile Drug Court Services - Escambia (CBIR 228)..... 150,000
Monroe County Youth Challenge (CBIR 3327)..... 20,000
Broward Truancy Intervention Program..... 50,000

Funds in Specific Appropriation 1233A, from nonrecurring General Revenue are allocated as follows:

Quality Life Center of Southwest Florida, Inc (CBIR 189).... 100,000
The Amer-I-Can Program - Broward & Dade..... 500,000
Melbourne Police Athletic League (CBIR 57)..... 150,000
Professional Opportunities Program For Students - Orange (CBIR 1403)..... 600,000
Monroe County At - Risk Youth..... 60,000
Brevard Sheriff's Police Athletic League..... 50,000

1234 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,460,772
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,528,259
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,639

1234A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,907

1235 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 32,834,601
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 1235, $500,000 from nonrecurring General Revenue is provided to increase substance abuse and mental health treatment services (CBIR 2130).

Funds in Specific Appropriation 1235, from the Grants and Donations Trust Fund, are provided to continue CINS/FINS services. If Federal Title IV-E earnings do not materialize in the amount of $2,400,000, the

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department is directed to transfer General Revenue from Specific Appropriation 1200 to Specific Appropriation 1235 to ensure that funding for services in the CINS/FINS program occurs is not reduced.

TOTAL: DELINQUENCY PREVENTION AND DIVERSION		
FROM GENERAL REVENUE FUND	59,835,452	
FROM TRUST FUNDS		20,121,567
TOTAL POSITIONS	94	
TOTAL ALL FUNDS		79,957,019

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: OFFICE OF EXECUTIVE DIRECTOR AND BUSINESS SUPPORT PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1248 SALARIES AND BENEFITS POSITIONS	140	
FROM GENERAL REVENUE FUND	5,962,671	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		213,807
FROM GRANTS AND DONATIONS TRUST FUND . . .		404,308
FROM OPERATING TRUST FUND		651,950
1249 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	38,190	
FROM GRANTS AND DONATIONS TRUST FUND . . .		426,848
FROM OPERATING TRUST FUND		124,000
1250 EXPENSES		
FROM GENERAL REVENUE FUND	1,145,441	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		43,235
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		251,750
FROM GRANTS AND DONATIONS TRUST FUND . . .		112,301
FROM OPERATING TRUST FUND		150,453
FROM REVOLVING TRUST FUND		1,000,000
1250A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM FROM GRANTS AND DONATIONS TRUST FUND . . .		19,118,106
1250B AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES FROM GRANTS AND DONATIONS TRUST FUND . . .		9,035,240
1250C AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES FROM GRANTS AND DONATIONS TRUST FUND . . .		2,683,102
1250D AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS FROM GRANTS AND DONATIONS TRUST FUND . . .		1,529,434
1251 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	27,020	
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
FROM OPERATING TRUST FUND		250
1252 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	10,052	
1252A SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM FROM GRANTS AND DONATIONS TRUST FUND . . .		4,497,908
1252B SPECIAL CATEGORIES GRANTS AND AIDS - PROJECT DARE FROM GRANTS AND DONATIONS TRUST FUND . . .		508,302
1252C SPECIAL CATEGORIES TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
1253 SPECIAL CATEGORIES OVERTIME FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
1254 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,075	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,994
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,715
FROM OPERATING TRUST FUND		2,406
1255 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	19,667	
1255A SPECIAL CATEGORIES GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT FROM GRANTS AND DONATIONS TRUST FUND . . .		949,132
1255B SPECIAL CATEGORIES GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY FROM GRANTS AND DONATIONS TRUST FUND . . .		1,907,847
1255C SPECIAL CATEGORIES GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT FROM GRANTS AND DONATIONS TRUST FUND . . .		526,770
1255D SPECIAL CATEGORIES GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY FROM GRANTS AND DONATIONS TRUST FUND . . .		42,804,137
1256 SPECIAL CATEGORIES VIOLENT CRIME INVESTIGATIVE EMERGENCIES		
FROM GENERAL REVENUE FUND	2,500,000	
FROM OPERATING TRUST FUND		500,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	9,718,116	
FROM TRUST FUNDS		87,550,743
TOTAL POSITIONS	140	
TOTAL ALL FUNDS		97,268,859

PROGRAM: CRIMINAL JUSTICE INVESTIGATIONS AND FORENSIC SCIENCE

From the funds in Specific Appropriations 1259 through 1280E, the Criminal Justice Investigations and Forensic Science Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002

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Measures - Outcomes	Standards
Number/percentage of criminal investigations closed resulting in an arrest	826/67%
Number/percentage of closed criminal investigations resolved	1,069/87%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CRIME LABORATORY SERVICES

1259	SALARIES AND BENEFITS POSITIONS	376	
	FROM GENERAL REVENUE FUND	18,779,892	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		225,022
1260	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	177,225	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		900,000
1261	EXPENSES		
	FROM GENERAL REVENUE FUND	4,165,130	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		439,978
	FROM GRANTS AND DONATIONS TRUST FUND . . .		324,729
1262	AID TO LOCAL GOVERNMENTS CRIMINAL INVESTIGATIONS		
	FROM OPERATING TRUST FUND		2,379,702
1263	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	389,378	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		385,270
1264	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	176,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,400
1265	SPECIAL CATEGORIES PERFORMANCE ADJUSTMENTS		
	FROM GENERAL REVENUE FUND	418,646	
1266	SPECIAL CATEGORIES OVERTIME		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
1267	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	126,371	
TOTAL:	CRIME LABORATORY SERVICES		
	FROM GENERAL REVENUE FUND	24,232,642	
	FROM TRUST FUNDS		4,727,101
	TOTAL POSITIONS	376	
	TOTAL ALL FUNDS		28,959,743

INVESTIGATIVE SERVICES

1268	SALARIES AND BENEFITS POSITIONS	633	
	FROM GENERAL REVENUE FUND	37,844,285	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,320,989
	FROM OPERATING TRUST FUND		799,847
1269	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	751,271	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		66,879
	FROM GRANTS AND DONATIONS TRUST FUND . . .		359,460
	FROM OPERATING TRUST FUND		36,000

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1270	EXPENSES		
	FROM GENERAL REVENUE FUND	9,864,436	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		812,234
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,052,985
	FROM OPERATING TRUST FUND		375,531

From the funds in Specific Appropriation 1270, $75,000 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for the Operation Riverwalk Task Force.

From the funds provided in Specific Appropriation 1270 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not exceeding $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1271	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	93,846	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		190,574
	FROM GRANTS AND DONATIONS TRUST FUND . . .		64,509
1273	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	512,348	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		580,000
1274	SPECIAL CATEGORIES PERFORMANCE ADJUSTMENTS		
	FROM GENERAL REVENUE FUND	117,000	
1274A	SPECIAL CATEGORIES GRANTS AND AIDS - SPECIAL PROJECTS		
	FROM GENERAL REVENUE FUND	260,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000

From the funds in Specific Appropriation 1274A, $35,000 in nonrecurring General Revenue is appropriated for the City of Coconut Creek K-9 Training Field and Kennel(CBIR 549), $125,000 in nonrecurring General Revenue is appropriated for the Firearms Range and Training Area for the City of Coconut Creek (CBIR 553), and $100,000 from recurring General Revenue is provided for A Child Is Missing (CBIR 307).

From Specific Appropriation 1274A, $100,000 from the Grants and Donations Trust Fund shall be used for the Northeast Florida Regional Investigative Support Center, provided such funds are received from counties in the FDLE Jacksonville Region.

1275	SPECIAL CATEGORIES OVERTIME		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		377,223
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		868,486

From the funds in Specific Appropriation 1275, $177,223 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for overtime expenditures associated with the Operation Riverwalk Task Force.

1276	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	274,624	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,509
	FROM OPERATING TRUST FUND		1,133
1277	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	490,118	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,120

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TOTAL: INVESTIGATIVE SERVICES

FROM GENERAL REVENUE FUND	50,207,928	
FROM TRUST FUNDS		7,010,479
TOTAL POSITIONS	633	
TOTAL ALL FUNDS		57,218,407

MUTUAL AID AND PREVENTION SERVICES

1278 SALARIES AND BENEFITS POSITIONS	17	
FROM GENERAL REVENUE FUND	1,058,113	
1279 EXPENSES		
FROM GENERAL REVENUE FUND	139,448	
1280 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	20,484	
TOTAL: MUTUAL AID AND PREVENTION SERVICES		
FROM GENERAL REVENUE FUND	1,218,045	
TOTAL POSITIONS	17	
TOTAL ALL FUNDS		1,218,045

PUBLIC ASSISTANCE FRAUD IVESTIGATIONS

1280A SALARIES AND BENEFITS POSITIONS	119	
FROM GENERAL REVENUE FUND	2,765,677	
FROM GRANTS AND DONATIONS TRUST FUND		2,858,512
1280B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	16,406	
FROM GRANTS AND DONATIONS TRUST FUND		544
1280C EXPENSES		
FROM GENERAL REVENUE FUND	578,415	
FROM GRANTS AND DONATIONS TRUST FUND		475,996
1280D OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	104,227	
1280E DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	114,204	
FROM GRANTS AND DONATIONS TRUST FUND		109,722
TOTAL: PUBLIC ASSISTANCE FRAUD IVESTIGATIONS		
FROM GENERAL REVENUE FUND	3,578,929	
FROM TRUST FUNDS		3,444,774
TOTAL POSITIONS	119	
TOTAL ALL FUNDS		7,023,703

PROGRAM: CRIMINAL JUSTICE INFORMATION

From the funds in Specific Appropriations 1281 through 1295A, the Criminal Justice Information Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of time FCIC is running and accessible	99.5%
Percentage response to criminal history record check customers within defined time frame	92%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

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NETWORK SERVICES

1281 SALARIES AND BENEFITS POSITIONS	108	
FROM GENERAL REVENUE FUND	3,877,642	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		81,968
FROM OPERATING TRUST FUND		470,809
1282 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,816,000	
FROM GRANTS AND DONATIONS TRUST FUND		780,835
FROM OPERATING TRUST FUND		1,170,000

Funds are provided in Specific Appropriation 1282 to continue the development of the Integrated Criminal History System which shall be subject to special monitoring under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 1282, $150,000 from the General Revenue Fund is provided for the project monitoring contract. Funds equal to the project monitoring contract amount shall be transferred to the Technology Review Workgroup within the Legislature pursuant to the provisions of Chapter 216, Florida Statutes.

1283 EXPENSES		
FROM GENERAL REVENUE FUND	3,861,991	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		4,008
FROM GRANTS AND DONATIONS TRUST FUND		82,459
FROM OPERATING TRUST FUND		7,010,375
1284 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND		438,958
FROM OPERATING TRUST FUND		5,362,992
1285 SPECIAL CATEGORIES		
OVERTIME		
FROM OPERATING TRUST FUND		46,200
1286 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,118	
FROM OPERATING TRUST FUND		2,464
1287A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM OPERATING TRUST FUND		26,740
TOTAL: NETWORK SERVICES		
FROM GENERAL REVENUE FUND	9,560,751	
FROM TRUST FUNDS		15,477,808
TOTAL POSITIONS	108	
TOTAL ALL FUNDS		25,038,559

PREVENTION AND CRIME INFORMATION SERVICES

Funds in Specific Appropriations 1289 through 1295A from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the vendors associated with the Departments of Children and Families, Juvenile Justice, and Elder Affairs shall not exceed $8.

1289 SALARIES AND BENEFITS POSITIONS	269	
FROM GENERAL REVENUE FUND	1,735,067	
FROM GRANTS AND DONATIONS TRUST FUND		317,473
FROM OPERATING TRUST FUND		7,613,453
1290 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	56,000	
FROM GRANTS AND DONATIONS TRUST FUND		365,275
FROM OPERATING TRUST FUND		320,611
1291 EXPENSES		
FROM GENERAL REVENUE FUND	963,274	

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FROM GRANTS AND DONATIONS TRUST FUND . . .		415,435
FROM OPERATING TRUST FUND		1,094,464
1292 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	11,557	
FROM OPERATING TRUST FUND		294,022
1293 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	53,400	
FROM OPERATING TRUST FUND		40,170
1294 SPECIAL CATEGORIES		
OVERTIME		
FROM OPERATING TRUST FUND		218,946
1295 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	25,098	
FROM OPERATING TRUST FUND		34,411
1295A SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	5,160	
TOTAL: PREVENTION AND CRIME INFORMATION SERVICES		
FROM GENERAL REVENUE FUND	2,849,556	
FROM TRUST FUNDS		10,714,260
TOTAL POSITIONS	269	
TOTAL ALL FUNDS		13,563,816

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

From the funds in Specific Appropriations 1296 through 1307, the Criminal Justice Professionalism Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percentage of individuals who pass the basic professionalism certification examination for law enforcement officers, correctional officers, and correctional probation officers	4,500/75%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LAW ENFORCEMENT STANDARDS COMPLIANCE

1296 SALARIES AND BENEFITS POSITIONS	65	
FROM GENERAL REVENUE FUND	710,217	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		2,194,711
1297 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	18,000	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		337,465
1298 EXPENSES		
FROM GENERAL REVENUE FUND	164,516	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		288,716
FROM OPERATING TRUST FUND		500,000
1299 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		42,655
1300 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		13,586
1301 SPECIAL CATEGORIES		
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		7,434,460
TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE		
FROM GENERAL REVENUE FUND	892,733	
FROM TRUST FUNDS		10,811,593
TOTAL POSITIONS	65	
TOTAL ALL FUNDS		11,704,326

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

1302 SALARIES AND BENEFITS POSITIONS	52	
FROM GENERAL REVENUE FUND	183,526	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		2,349,106
FROM OPERATING TRUST FUND		53,011
1303 OTHER PERSONAL SERVICES		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,042,618
FROM OPERATING TRUST FUND		33,000
1304 EXPENSES		
FROM GENERAL REVENUE FUND	21,368	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,799,093
FROM OPERATING TRUST FUND		52,208

From the funds provided in Specific Appropriations 1303 and 1304, the Department may spend up to $50,000 from the Criminal Justice Standards and Training Trust Fund to evaluate the effectiveness of the Drug Abuse Resistance Education (DARE) Program. The department shall report the findings of their evaluation to the Senate Appropriations Committee and the House Fiscal Responsibility Council by January 1, 2002.

1305 OPERATING CAPITAL OUTLAY		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		203,819
1306 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		7,486
1307 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	4,290	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		5,070
TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES		
FROM GENERAL REVENUE FUND	209,184	
FROM TRUST FUNDS		5,545,411
TOTAL POSITIONS	52	
TOTAL ALL FUNDS		5,754,595

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LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

From the funds in Specific Appropriations 1313 through 1353, the Office of the Attorney General will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide civil representation and legal services on behalf of the State of Florida, and to assist crime victims and law enforcement agencies through associated support services:

Performance Measures - Outcomes	FY 2001-2002 Standards
Average number of days for opinion response	29
Percent of mediated open government cases resolved in 3 weeks or less	70%
Percent of lemon law cases resolved in less than 1 year	80%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CIVIL ENFORCEMENT

1313 SALARIES AND BENEFITS POSITIONS 420		
FROM GENERAL REVENUE FUND	3,278,605	
FROM CONSUMER FRAUDS TRUST FUND		919,754
FROM GRANTS AND DONATIONS TRUST FUND		5,850,884
FROM LEGAL SERVICES TRUST FUND		6,600,962
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		2,739,810
FROM MOTOR VEHICLE WARRANTY TRUST FUND		1,142,212
1314 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	44,720	
FROM GRANTS AND DONATIONS TRUST FUND		134,158
FROM LEGAL SERVICES TRUST FUND		249,901
FROM MOTOR VEHICLE WARRANTY TRUST FUND		150,000
1315 EXPENSES		
FROM GENERAL REVENUE FUND	330,870	
FROM CONSUMER FRAUDS TRUST FUND		2,562
FROM GRANTS AND DONATIONS TRUST FUND		1,178,657
FROM LEGAL SERVICES TRUST FUND		1,454,554
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		48,393
FROM MOTOR VEHICLE WARRANTY TRUST FUND		430,923
FROM REVOLVING ESCROW TRUST FUND		8,913

From the funds in Specific Appropriations 1313 and 1315, 3 FTE and $181,015 from recurring General Revenue are provided to increase, and not supplant, the current level of funding and FTE presently allocated to the Office of Civil Rights within the Department of Legal Affairs. These additional FTE and resources shall focus on predatory mortgage lending and other types of economic discrimination, as well as accessible housing and bias crime prevention with particular attention paid to the discrimination of women, senior citizens and those with physical and mental handicaps. By January 1, 2002, the department shall report:

1) the total number of cases opened and closed for the period of July 1, 2001 through January 1, 2002,

2) the type of cases opened and the number of hours spent on civil rights case investigations, legal research, and legal representation.

1316 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	57,883	
FROM CONSUMER FRAUDS TRUST FUND		11,940
FROM GRANTS AND DONATIONS TRUST FUND		304,458
FROM LEGAL SERVICES TRUST FUND		359,664
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		27,483
FROM MOTOR VEHICLE WARRANTY TRUST FUND		21,592

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1318 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	48,942	
FROM GRANTS AND DONATIONS TRUST FUND		222,458
1318A SPECIAL CATEGORIES		
ANTITRUST INVESTIGATIONS		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		1,470,011
1318B SPECIAL CATEGORIES		
CONSUMER FRAUD INVESTIGATIONS		
FROM CONSUMER FRAUDS TRUST FUND		528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		134,126
1319 SPECIAL CATEGORIES		
ECONOMIC CRIME LITIGATION		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		984,252
1319A SPECIAL CATEGORIES		
RICO INVESTIGATIONS		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		737,055
1320 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GRANTS AND DONATIONS TRUST FUND		40,933
FROM LEGAL SERVICES TRUST FUND		68,274
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		19,263
FROM MOTOR VEHICLE WARRANTY TRUST FUND		12,039
1321 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GRANTS AND DONATIONS TRUST FUND		46,343
1321A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND		7,448
1322 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	12,483	
FROM GRANTS AND DONATIONS TRUST FUND		35,000
FROM LEGAL SERVICES TRUST FUND		192,081
TOTAL: CIVIL ENFORCEMENT		
FROM GENERAL REVENUE FUND	3,773,503	
FROM TRUST FUNDS		26,134,393
TOTAL POSITIONS	420	
TOTAL ALL FUNDS		29,907,896

CONSTITUTIONAL LEGAL SERVICES

1324 SALARIES AND BENEFITS POSITIONS 14		
FROM GENERAL REVENUE FUND	907,629	
FROM GRANTS AND DONATIONS TRUST FUND		77,305
1325 EXPENSES		
FROM GENERAL REVENUE FUND	157,142	
1326 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	16,510	
TOTAL: CONSTITUTIONAL LEGAL SERVICES		
FROM GENERAL REVENUE FUND	1,081,281	
FROM TRUST FUNDS		77,305
TOTAL POSITIONS	14	
TOTAL ALL FUNDS		1,158,586

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CRIMINAL AND CIVIL LITIGATION DEFENSE

1327 SALARIES AND BENEFITS POSITIONS 435
FROM GENERAL REVENUE FUND 13,629,541
FROM LEGAL SERVICES TRUST FUND 8,003,592

1328 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,287
FROM LEGAL SERVICES TRUST FUND 2,956,211

1329 EXPENSES
FROM GENERAL REVENUE FUND 1,916,534
FROM LEGAL SERVICES TRUST FUND 1,967,143

From the Funds in Specific Appropriations 1327 and 1329, up to $440,893 in the Legal Services Trust Fund shall be supported by a contract with the Department of Revenue for ongoing tax litigation defense.

1330 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,604
FROM LEGAL SERVICES TRUST FUND 261,174

1330A LUMP SUM
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS
POSITIONS 100

The positions in Specific Appropriation 1330A shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

1331 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 46,500

1332 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LEGAL SERVICES TRUST FUND 59,341

1333 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM LEGAL SERVICES TRUST FUND 30,972

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND 15,673,466
FROM TRUST FUNDS 13,278,433

TOTAL POSITIONS 535
TOTAL ALL FUNDS 28,951,899

VICTIM SERVICES

1334 SALARIES AND BENEFITS POSITIONS 85
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 325,949
FROM CRIMES COMPENSATION TRUST FUND . . . 3,970,933
FROM CRIME STOPPERS TRUST FUND 38,497
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 263,778

1335 OTHER PERSONAL SERVICES
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 45,100
FROM CRIMES COMPENSATION TRUST FUND . . . 40,851
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 140,573

1336 EXPENSES
FROM GENERAL REVENUE FUND 352
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 170,057
FROM CRIMES COMPENSATION TRUST FUND . . . 762,281
FROM CRIME STOPPERS TRUST FUND 6,712

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FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 217,179

1337 OPERATING CAPITAL OUTLAY
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 5,380
FROM CRIMES COMPENSATION TRUST FUND . . . 67,721
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 3,930

1338 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND . . . 22,558,000

From the funds in Specific Appropriation 1338, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

1339 SPECIAL CATEGORIES
FAMILY VIOLENCE - LEGAL ASSISTANCE
FROM CRIMES COMPENSATION TRUST FUND . . . 150,000

1340 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY COMMUNITIES CRIME PREVENTION PROGRAMS
FROM GENERAL REVENUE FUND 3,929,163

1341 SPECIAL CATEGORIES
GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 2,142,669

1342 SPECIAL CATEGORIES
GRANTS AND AIDS - CRIME STOPPERS
FROM CRIME STOPPERS TRUST FUND 4,000,000

1343 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMES COMPENSATION TRUST FUND . . . 28,894

1344 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 19,399,000

TOTAL: VICTIM SERVICES
FROM GENERAL REVENUE FUND 3,929,515
FROM TRUST FUNDS 54,337,504

TOTAL POSITIONS 85
TOTAL ALL FUNDS 58,267,019

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1345 SALARIES AND BENEFITS POSITIONS 116
FROM GENERAL REVENUE FUND 4,499,295
FROM ADMINISTRATIVE TRUST FUND 1,194,110
FROM CRIMES COMPENSATION TRUST FUND . . . 225,957
FROM LEGAL SERVICES TRUST FUND 34,327
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 81,756
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 37,132

1346 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 24,687
FROM ADMINISTRATIVE TRUST FUND 133,904

1347 EXPENSES
FROM GENERAL REVENUE FUND 442,146
FROM ADMINISTRATIVE TRUST FUND 1,269,535
FROM CRIMES COMPENSATION TRUST FUND . . . 918

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1348 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER
FROM GENERAL REVENUE FUND 10,000

1349 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 299,313
FROM ADMINISTRATIVE TRUST FUND 467,795
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 4,369
FROM CRIMES COMPENSATION TRUST FUND . . . 47,914
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 3,014
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,753
FROM LEGAL SERVICES TRUST FUND 156,593
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 39,423
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 17,516

1350 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY
FROM GENERAL REVENUE FUND 306,728

1351 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 7,937
FROM ADMINISTRATIVE TRUST FUND 6,595

1352 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 124,881
FROM ADMINISTRATIVE TRUST FUND 12,039

1353 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 146,965
FROM ADMINISTRATIVE TRUST FUND 157,876

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,861,952
FROM TRUST FUNDS 3,950,526

TOTAL POSITIONS 116
TOTAL ALL FUNDS 9,812,478

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

From the funds in Specific Appropriations 1354 through 1356, the Statewide Prosecution Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to investigate and prosecute criminal offenses enumerated in section 16.56, Florida Statutes, when they have been part of an organized crime conspiracy affecting two or more judicial circuits, including assistance to federal state attorneys and local law enforcement offices in their efforts against organized crime:

Performance Measures - Outcomes	FY 2001-2002 Standards
Of the defendants who reached disposition, the number of those convicted	394
Conviction rate per defendants who reached final adjudication	90.0%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

1354 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 4,824,428
FROM GRANTS AND DONATIONS TRUST FUND . . . 79,640

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1355 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 1,051,237
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,203

From Specific Appropriation 1355, $150,000 in nonrecurring General Revenue is appropriated to fund an initiative to study design methods and procedures to make the Florida driver's license more resistant to tampering and counterfeiting. The Statewide Prosecutor shall lead this initiative and may request the aid of the Department of Highway Safety and Motor Vehicles, the Florida Department of Law Enforcement and other agencies deemed appropriate to cooperate in this effort.

1356 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 22,177

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND 5,897,842
FROM TRUST FUNDS 166,843

TOTAL POSITIONS 70
TOTAL ALL FUNDS 6,064,685

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

1357 SALARIES AND BENEFITS POSITIONS 16
FROM ELECTIONS COMMISSION TRUST FUND . . . 811,938

1358 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST FUND . . . 80,148

1359 EXPENSES
FROM ELECTIONS COMMISSION TRUST FUND . . . 236,749

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT
FROM TRUST FUNDS 1,128,835

TOTAL POSITIONS 16
TOTAL ALL FUNDS 1,128,835

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS

Funds provided in Specific Appropriations 1361 through 1366 are provided to continue support services provided by the Parole Commission to the Office of Executive Clemency and other statutorily authorized duties and responsibilities.

1361 SALARIES AND BENEFITS POSITIONS 147
FROM GENERAL REVENUE FUND 6,608,681

1362 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 270,531

1363 EXPENSES
FROM GENERAL REVENUE FUND 1,169,373

1364 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,930

1365 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 87,634

1365A DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

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1366 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 317,924

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 8,515,005

TOTAL POSITIONS 147
TOTAL ALL FUNDS 8,515,005

TOTAL OF SECTION 4 POSITIONS 44,016

FROM GENERAL REVENUE FUND 2702,676,738

FROM TRUST FUNDS 515,223,050

TOTAL ALL FUNDS 3217,899,788

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

1367 SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 2,233,592
FROM CITRUS INSPECTION TRUST FUND 243,983
FROM GENERAL INSPECTION TRUST FUND 2,169

1368 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

1369 EXPENSES
FROM GENERAL REVENUE FUND 463,242
FROM GENERAL INSPECTION TRUST FUND 13,911

1370 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 66,000

1371 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 46,578

1372 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 32,932
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND 4,607
FROM GENERAL INSPECTION TRUST FUND 881

TOTAL: AGRICULTURAL LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 2,857,344
FROM TRUST FUNDS 265,551

TOTAL POSITIONS 39
TOTAL ALL FUNDS 3,122,895

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AGRICULTURAL WATER POLICY COORDINATION

1373 SALARIES AND BENEFITS POSITIONS 32
FROM GENERAL REVENUE FUND 980,962
FROM GENERAL INSPECTION TRUST FUND 738,881

1375 EXPENSES
FROM GENERAL REVENUE FUND 84,952
FROM GENERAL INSPECTION TRUST FUND 309,851

1375A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM
FROM GENERAL REVENUE FUND 50,000

From the funds in Specific Appropriation 1375A, $50,000 from the General Revenue Fund shall be allocated by the department to mobile irrigation laboratory cost share programs with water management districts and other state, local and federal partners for agricultural water conservation.

1376 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND 10,500

1377 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL INSPECTION TRUST FUND 168,000

1377A SPECIAL CATEGORIES
ANIMAL WASTE MANAGEMENT
FROM GENERAL INSPECTION TRUST FUND 200,000

1378 SPECIAL CATEGORIES
BEST MANAGEMENT PRACTICES - COST SHARE
FROM GENERAL INSPECTION TRUST FUND 14,489,143

TOTAL: AGRICULTURAL WATER POLICY COORDINATION
FROM GENERAL REVENUE FUND 1,115,914
FROM TRUST FUNDS 15,916,375

TOTAL POSITIONS 32
TOTAL ALL FUNDS 17,032,289

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1379 SALARIES AND BENEFITS POSITIONS 230
FROM GENERAL REVENUE FUND 8,088,687
FROM ADMINISTRATIVE TRUST FUND 3,408,928

1380 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,463
FROM ADMINISTRATIVE TRUST FUND 160,352

1381 EXPENSES
FROM GENERAL REVENUE FUND 932,712
FROM ADMINISTRATIVE TRUST FUND 1,897,514
FROM GENERAL INSPECTION TRUST FUND 155,000

1382 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,278
FROM ADMINISTRATIVE TRUST FUND 142,250

1383 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 55,079

1384 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 32,787
FROM ADMINISTRATIVE TRUST FUND 33,365

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1385	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	131,122	
	FROM ADMINISTRATIVE TRUST FUND		5,073
1385A	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	4,000	
1385B	SPECIAL CATEGORIES NORTH AMERICAN FREE TRADE AGREEMENT IMPACT FROM GENERAL INSPECTION TRUST FUND		200,000
1385C	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND		9,900
1386A	FIXED CAPITAL OUTLAY ELEVATOR REPLACEMENT FOR MAYO AND CONNER BUILDINGS FROM ADMINISTRATIVE TRUST FUND		424,484
1386B	FIXED CAPITAL OUTLAY REPLACE CONDENSING UNITS - LABS #4 & #5 LABORATORY COMPLEX - LEON CO. FROM GENERAL INSPECTION TRUST FUND		77,865
1386C	FIXED CAPITAL OUTLAY REPLACE CORRIDOR GLASS - CONNER COMPLEX - DMS MGD FROM GENERAL INSPECTION TRUST FUND		268,085
1387	FIXED CAPITAL OUTLAY REPLACE CHILLER - MAYO BUILDING - DMS MGD FROM GENERAL REVENUE FUND	345,950	
	FROM GENERAL INSPECTION TRUST FUND		740,006
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	9,627,999	
	FROM TRUST FUNDS		7,577,901
	TOTAL POSITIONS	230	
	TOTAL ALL FUNDS		17,205,900

PROGRAM: FOREST AND RESOURCE PROTECTION

From the funds in Specific Appropriations 1389 through 1415, the Forest and Resource Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Number of acres of forest lands protected from wildfires	25,100,000
2. Number of wildfires detected and suppressed	5,000

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

LAND MANAGEMENT

1389	SALARIES AND BENEFITS POSITIONS 459 FROM GENERAL REVENUE FUND	9,495,072	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		405,336
	FROM INCIDENTAL TRUST FUND		2,048,604
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		5,286,354

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1390	OTHER PERSONAL SERVICES FROM CONTRACTS AND GRANTS TRUST FUND . . .		329,535
	FROM INCIDENTAL TRUST FUND		351,641
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		310,950
1391	EXPENSES FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,482,071
	FROM INCIDENTAL TRUST FUND		2,577,663
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,350,103
1392	AID TO LOCAL GOVERNMENTS AMERICA THE BEAUTIFUL PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,747,538
1393	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PLANT A TREE PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND . . .		200,000
1394	AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION FROM INCIDENTAL TRUST FUND		700,050
1394A	AID TO LOCAL GOVERNMENTS SOUTHERN PINE BEETLE SUPPRESSION PROGRAM - HERNANDO COUNTY FROM GENERAL REVENUE FUND	132,500	
1395	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	53,433	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		207,200
	FROM INCIDENTAL TRUST FUND		185,583
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		106,500
1396	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INCIDENTAL TRUST FUND		100,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		897,000
1397	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	94,355	
	FROM INCIDENTAL TRUST FUND		11,601
1398	SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,544,152
1398A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INCIDENTAL TRUST FUND		571
1400	FIXED CAPITAL OUTLAY CROOM MOTOR CYCLE RECREATION AREA IMPROVEMENTS - WITHLACOOCHEE FORESTRY CENTER - DMS MGD FROM INCIDENTAL TRUST FUND		218,600
1401	FIXED CAPITAL OUTLAY MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		200,000
1402	FIXED CAPITAL OUTLAY GOETHE STATE FOREST FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		320,000

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1403 FIXED CAPITAL OUTLAY
ADMINISTRATION BUILDING FOR LAKE WALES RIDGE STATE FOREST
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 450,000

1404 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 4,500,000

1405 FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 110,000

TOTAL: LAND MANAGEMENT
FROM GENERAL REVENUE FUND 9,775,360
FROM TRUST FUNDS 28,641,052

TOTAL POSITIONS 459
TOTAL ALL FUNDS 38,416,412

WILDFIRE PREVENTION AND MANAGEMENT

1406 SALARIES AND BENEFITS POSITIONS 741
FROM GENERAL REVENUE FUND 27,773,905
FROM CONTRACTS AND GRANTS TRUST FUND . . . 764,473
FROM INCIDENTAL TRUST FUND 223,382

1407 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 576,742
FROM INCIDENTAL TRUST FUND 120,000

1408 EXPENSES
FROM GENERAL REVENUE FUND 7,121,013
FROM CONTRACTS AND GRANTS TRUST FUND . . . 449,844
FROM INCIDENTAL TRUST FUND 1,877,266

1409 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION
FROM CONTRACTS AND GRANTS TRUST FUND . . . 72,589

1410 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 99,233
FROM INCIDENTAL TRUST FUND 250,000

1411 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 500,000
FROM INCIDENTAL TRUST FUND 1,000,000

1412 SPECIAL CATEGORIES
ON-CALL FEES
FROM GENERAL REVENUE FUND 333,296
FROM INCIDENTAL TRUST FUND 10,000

1412A SPECIAL CATEGORIES
FIRE POTENTIAL INDEX (FPI) DEVELOPMENT AND IMPLEMENTATION
FROM INCIDENTAL TRUST FUND 105,000

Funds provided in Specific Appropriation 1412A shall be used for the development and implementation of a Fire Potential Index (FPI) in Florida. The Department's Division of Forestry shall work with the Florida State University's Meteorology Department to integrate diverse sources of weather data to produce the detailed daily weather analysis required to implement the FPI in Florida. The Division of Forestry is to contract with the Florida State University to complete the meteorological portion of the program at a cost of $65,000. The remaining $40,000 shall be utilized by the Division of Forestry to produce the Geographical Information System vegetation data and provide

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for a Polar orbiting satellite data receiver to collect daily fire data. The Division of Forestry is to provide project leadership and wildfire index expertise.

1413 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 849,195
FROM INCIDENTAL TRUST FUND 104,409

1413A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INCIDENTAL TRUST FUND 1,061

1414A FIXED CAPITAL OUTLAY
RELOCATE CRESTVIEW WORK CENTER
FROM RELOCATION AND CONSTRUCTION TRUST FUND 304,000

1415 FIXED CAPITAL OUTLAY
RELOCATE FORESTRY STATION - OCALA
FROM RELOCATION AND CONSTRUCTION TRUST FUND 349,000

TOTAL: WILDFIRE PREVENTION AND MANAGEMENT
FROM GENERAL REVENUE FUND 37,253,384
FROM TRUST FUNDS 5,631,024

TOTAL POSITIONS 741
TOTAL ALL FUNDS 42,884,408

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

1416 SALARIES AND BENEFITS POSITIONS 44
FROM GENERAL REVENUE FUND 1,146,192
FROM GENERAL INSPECTION TRUST FUND 1,208,583

1417 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 150,000

1418 EXPENSES
FROM GENERAL REVENUE FUND 1,771,130
FROM GENERAL INSPECTION TRUST FUND 2,307,065

1419 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 151,270
FROM GENERAL INSPECTION TRUST FUND 254,000

1420 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND 4,768

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 3,218,592
FROM TRUST FUNDS 3,774,416

TOTAL POSITIONS 44
TOTAL ALL FUNDS 6,993,008

PROGRAM: FOOD SAFETY AND QUALITY

From the funds in Specific Appropriations 1421 through 1430A, the Food Safety and Quality Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards

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1. Percent of dairy establishments meeting food safety and sanitation requirements	83.8%
2. Percent of milk and dairy products analyzed that meet standards	92.1%
3. Percent of food establishments meeting food safety and sanitation requirements	90.6%
4. Percent of produce or food samples analyzed that meet pesticide residue standards	97.6%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

1421	SALARIES AND BENEFITS POSITIONS	30	
	FROM GENERAL REVENUE FUND	1,331,237	
1422	EXPENSES		
	FROM GENERAL REVENUE FUND	194,537	
1423	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	14,000	
1424	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,957	
TOTAL:	DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT		
	FROM GENERAL REVENUE FUND	1,543,731	
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		1,543,731

FOOD SAFETY INSPECTION AND ENFORCEMENT

1425	SALARIES AND BENEFITS POSITIONS	274	
	FROM GENERAL REVENUE FUND	1,588,025	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,596,424
	FROM GENERAL INSPECTION TRUST FUND		8,657,004
1426	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		492,641
1427	EXPENSES		
	FROM GENERAL REVENUE FUND	633,395	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		649,519
	FROM GENERAL INSPECTION TRUST FUND		979,664
1428	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,888	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		274,000
	FROM GENERAL INSPECTION TRUST FUND		283,400
1429	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		17,500
	FROM GENERAL INSPECTION TRUST FUND		77,400
1430	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	138,559	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		38,444
	FROM GENERAL INSPECTION TRUST FUND		73,616
1430A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		9,206
TOTAL:	FOOD SAFETY INSPECTION AND ENFORCEMENT		
	FROM GENERAL REVENUE FUND	2,390,867	
	FROM TRUST FUNDS		13,148,818
	TOTAL POSITIONS	274	
	TOTAL ALL FUNDS		15,539,685

PROGRAM: CONSUMER PROTECTION

From the funds in Specific Appropriations 1432 through 1447, the Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent regulated entities found operating in compliance with the consumer protection laws	91%
2. Percent of petroleum products meeting quality standards	99.2%
3. Percent of licensed pesticide applicators inspected that are in compliance	78%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AGRICULTURAL ENVIRONMENTAL SERVICES

1432	SALARIES AND BENEFITS POSITIONS	206	
	FROM GENERAL REVENUE FUND	2,769,408	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		215,646
	FROM GENERAL INSPECTION TRUST FUND		4,609,695
	FROM PEST CONTROL TRUST FUND		1,463,038
1433	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,500	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		70,000
	FROM PEST CONTROL TRUST FUND		21,530
1434	EXPENSES		
	FROM GENERAL REVENUE FUND	830,479	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		759,742
	FROM GENERAL INSPECTION TRUST FUND		575,550
	FROM PEST CONTROL TRUST FUND		373,092
1434A	AID TO LOCAL GOVERNMENTS		
	MOSQUITO CONTROL PROGRAM		
	FROM GENERAL INSPECTION TRUST FUND		2,628,598

From the funds provided in Specific Appropriation 1434A, $250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Health and the U.S. Department of Agriculture (USDA).

From the funds in Specific Appropriation 1434A, $350,000 from the General Inspection Trust Fund is provided for the control of nuisance chironomidae (blind mosquitoes) in Lake Monroe in Seminole County.

1435	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,070	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		69,500
1436	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		151,000
	FROM GENERAL INSPECTION TRUST FUND		48,000
	FROM PEST CONTROL TRUST FUND		36,000

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1436A	SPECIAL CATEGORIES		
	NITRATE RESEARCH AND REMEDIATION		
	FROM GENERAL INSPECTION TRUST FUND		930,000
1437	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	44,302	
TOTAL:	AGRICULTURAL ENVIRONMENTAL SERVICES		
	FROM GENERAL REVENUE FUND	3,655,759	
	FROM TRUST FUNDS		11,951,391
	TOTAL POSITIONS	206	
	TOTAL ALL FUNDS		15,607,150

CONSUMER PROTECTION

1438	SALARIES AND BENEFITS POSITIONS	116	
	FROM GENERAL REVENUE FUND	593,498	
	FROM GENERAL INSPECTION TRUST FUND		3,680,290
1439	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,216	
	FROM GENERAL INSPECTION TRUST FUND		38,513
1440	EXPENSES		
	FROM GENERAL REVENUE FUND	136,463	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,518
	FROM GENERAL INSPECTION TRUST FUND		835,606
1440A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		3,000
1441	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,524	
TOTAL:	CONSUMER PROTECTION		
	FROM GENERAL REVENUE FUND	776,701	
	FROM TRUST FUNDS		4,565,927
	TOTAL POSITIONS	116	
	TOTAL ALL FUNDS		5,342,628

STANDARDS AND PETROLEUM QUALITY INSPECTION

1442	SALARIES AND BENEFITS POSITIONS	192	
	FROM GENERAL REVENUE FUND	2,173,782	
	FROM GENERAL INSPECTION TRUST FUND		5,289,882
1443	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		59,572
1444	EXPENSES		
	FROM GENERAL REVENUE FUND	407,780	
	FROM GENERAL INSPECTION TRUST FUND		1,796,319
1445	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		361,700
1446	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	36,600	
	FROM GENERAL INSPECTION TRUST FUND		164,000
1447	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,458	
	FROM GENERAL INSPECTION TRUST FUND		30,079
TOTAL:	STANDARDS AND PETROLEUM QUALITY INSPECTION		
	FROM GENERAL REVENUE FUND	2,623,620	
	FROM TRUST FUNDS		7,701,552

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	TOTAL POSITIONS	192	
	TOTAL ALL FUNDS		10,325,172

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

From the funds in Specific Appropriations 1448 through 1496C, the Agricultural Economic Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Florida agricultural products as a percent of the national market	3.71%
2. Percent of livestock and poultry infected with specific transmissible diseases for which monitoring, controlling and eradicating activities are established	.00043%
3. Percent of commercial citrus acres free of citrus canker	99%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

1448	SALARIES AND BENEFITS POSITIONS	308	
	FROM CITRUS INSPECTION TRUST FUND		9,246,574
	FROM GENERAL INSPECTION TRUST FUND		2,288,145
1449	OTHER PERSONAL SERVICES		
	FROM CITRUS INSPECTION TRUST FUND		500,000
	FROM GENERAL INSPECTION TRUST FUND		500,000
1450	EXPENSES		
	FROM CITRUS INSPECTION TRUST FUND		1,458,757
	FROM GENERAL INSPECTION TRUST FUND		449,269
1451	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND		183,000
1451A	SPECIAL CATEGORIES		
	AUTOMATED TESTING EQUIPMENT		
	FROM CITRUS INSPECTION TRUST FUND		254,756
1452	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CITRUS INSPECTION TRUST FUND		513,569
	FROM GENERAL INSPECTION TRUST FUND		59,456
TOTAL:	FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT		
	FROM TRUST FUNDS		15,453,526
	TOTAL POSITIONS	308	
	TOTAL ALL FUNDS		15,453,526

AGRICULTURAL PRODUCTS MARKETING

1453	SALARIES AND BENEFITS POSITIONS	199	
	FROM GENERAL REVENUE FUND	2,928,793	
	FROM CITRUS INSPECTION TRUST FUND		1,062,749
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		288,248
	FROM GENERAL INSPECTION TRUST FUND		957,209
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,961,923
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		644,752
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		33,865

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1454 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000
FROM CITRUS INSPECTION TRUST FUND 233,597
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 27,500

1455 EXPENSES
FROM GENERAL REVENUE FUND 881,244
FROM CITRUS INSPECTION TRUST FUND 340,887
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,667,632
FROM GENERAL INSPECTION TRUST FUND 668,532
FROM MARKET TRADE SHOW TRUST FUND 164,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 795,162
FROM QUARTER HORSE RACING PROMOTION TRUST FUND 6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 301,261
FROM VITICULTURE TRUST FUND 7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND 110,400

1456 OPERATING CAPITAL OUTLAY
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 14,000

1457 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CITRUS INSPECTION TRUST FUND 45,234
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 49,870

1458 SPECIAL CATEGORIES
GRANTS AND AIDS - VITICULTURE PROGRAM
FROM VITICULTURE TRUST FUND 250,000

1459 SPECIAL CATEGORIES
FLORIDA AGRICULTURE PROMOTION CAMPAIGN
FROM GENERAL REVENUE FUND 850,000

1460 SPECIAL CATEGORIES
GRANTS AND AIDS - MARKETING ORDERS
FROM CITRUS INSPECTION TRUST FUND 2,500,000
FROM GENERAL INSPECTION TRUST FUND 475,000

1461 SPECIAL CATEGORIES
FOOD RECOVERY PROGRAM
FROM GENERAL REVENUE FUND 640,000

From the funds in Specific Appropriations 1461, $50,000 from General Revenue Fund is provided for Barnabas Food Distribution Center, $440,000 from General Revenue Fund is provided for Farm Share Inc. Food Recovery Program - Dade, and $150,000 from General Revenue Fund is provided for South Florida Food Recovery, Inc..

1462 SPECIAL CATEGORIES
GRANTS AND AIDS - PROMOTIONAL AWARDS
FROM GENERAL INSPECTION TRUST FUND 300,000
FROM QUARTER HORSE RACING PROMOTION TRUST FUND 43,250

1463 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS
FROM CONTRACTS AND GRANTS TRUST FUND . . . 843,563

1464 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 17,546
FROM CITRUS INSPECTION TRUST FUND 4,930
FROM CONTRACTS AND GRANTS TRUST FUND . . . 4,416
FROM GENERAL INSPECTION TRUST FUND 8,075
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 18,155
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 5,017

1464A SPECIAL CATEGORIES
SPECIAL STUDIES/RESEARCH PROGRAMS
FROM GENERAL REVENUE FUND 850,000

From the funds in Specific Appropriations 1464A, $850,000 from General Revenue Fund is provided for Dover Strawberry Research Center.

1464B FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 100,000

1464C FIXED CAPITAL OUTLAY
ADDITIONS AND REPLACEMENT, POMPANO STATE FARMERS' MARKET - DMS MGD
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 500,000

Funds in Specific Appropriation 1464C are provided to the department for renovations and repairs at the Pompano State Farmers Market. The department shall conduct a cost analysis of alternatives available to fund future construction needs at the facility. The alternatives considered must include an analysis of entering into a long-term lease that would include the lessee providing needed renovations and repairs. Other options that may be considered include the cost/benefit of state-funded renovations and repairs and the privatization of the facility. The department shall provide a report of the cost analyses to the Chairs of the committees responsible for the appropriations and the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.

1464D FIXED CAPITAL OUTLAY
ADDITIONS AND RENOVATIONS PLANT CITY STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 100,000

1464E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AGRICULTURAL PROMOTION AND EDUCATION FACILITIES
FROM GENERAL REVENUE FUND 6,284,500

Funds in Specific Appropriation 1464E are provided for the following Agricultural Promotion and Education Facilities:

Ag Facilities/Farmers Market - Okaloosa	400,000
Agricultural Center/ Show Grounds/Hendry	100,000
Agri-plex Addition - South Florida Fair/Palm Beach	350,000
Allapattah Produce Market/Dade	600,000
Byrneville Community Center Expansion/Escambia	30,000
Crestview Multi-Purpose Assembly Facility/Okaloosa	750,000
FFA Educational Complex/Polk	1,000,000
Glades County AgriCenter Renovation/Repair	200,000
Hendry County Fairgrounds Improvements	200,000
Hernando County Fairgrounds Renovation	200,000
HOLMES COUNTY FAIRGROUNDS PHASE III	200,000
McDAVID COMMUNITY CENTER/Escambia	100,000
Okaloosa Regional Agricultural Facility	350,000
Portland Community Agricultural Center--Walton County	150,000
Renovation of Mid-State Crop & Livestock Pavilion/Polk	557,000
Rodeo Grounds Improvements/Hendry	112,500
Sarasota County Agricultural Fair Association	185,000
Tri-County Agricultural Complex/Calhoun, Gulf, Liberty	200,000
Wakulla Expo	200,000
WALTON COUNTY FAIR ARENA RENOVATION	50,000
Washington County Agricultural Center	100,000
West Central Florida Agriculture Education/Sumter	250,000

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM GENERAL REVENUE FUND 12,667,083
FROM TRUST FUNDS 14,333,777

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TOTAL POSITIONS	199	
TOTAL ALL FUNDS		27,000,860

AQUACULTURE

1465 SALARIES AND BENEFITS POSITIONS	56	
FROM GENERAL REVENUE FUND	1,962,474	
FROM GENERAL INSPECTION TRUST FUND		497,061
1466 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	30,000	
FROM GENERAL INSPECTION TRUST FUND		39,000
1467 EXPENSES		
FROM GENERAL REVENUE FUND	524,332	
FROM GENERAL INSPECTION TRUST FUND		359,984
1468 OPERATING CAPITAL OUTLAY		
FROM GENERAL INSPECTION TRUST FUND		142,200
1469 SPECIAL CATEGORIES		
OYSTER PLANTING		
FROM GENERAL REVENUE FUND	350,000	
FROM GENERAL INSPECTION TRUST FUND		104,400
1470 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	4,597	
FROM GENERAL INSPECTION TRUST FUND		638
1471 SPECIAL CATEGORIES		
AQUACULTURE DEVELOPMENT		
FROM GENERAL REVENUE FUND	1,731,487	

From the General Revenue Fund in Specific Appropriation 1471, the following projects are included and funded as follows:

Tropical Aquaculture Marketing	200,000
Collier City / Pompano Beach Aquaculture and Hydroponics Complex - Phase 1 - Fish Processing	250,000
Mote Marine Sturgeon Program	500,000
Genetic Study of Shrimp	198,000
Freshwater Shrimp Production	152,811
Indian River Aquaculture Program	100,000
Statewide Shellfish Aquaculture Extension Program	120,250
Florida Aquaculture Extension Program	89,166

Of the funds in Specific Appropriation 1471, $121,260 from recurring General Revenue Fund is provided for the Institute of Food and Agricultural Science at the University of Florida for funding the Ruskin Tropical Acquaculture Lab.

1472 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	25,000	
TOTAL: AQUACULTURE		
FROM GENERAL REVENUE FUND	4,627,890	
FROM TRUST FUNDS		1,143,283
TOTAL POSITIONS	56	
TOTAL ALL FUNDS		5,771,173

AGRICULTURAL INSPECTION STATIONS

1473 SALARIES AND BENEFITS POSITIONS	185	
FROM GENERAL REVENUE FUND	8,996,312	
FROM GENERAL INSPECTION TRUST FUND		28,754
1474 EXPENSES		
FROM GENERAL REVENUE FUND	542,049	
FROM CITRUS INSPECTION TRUST FUND		25,987
FROM GENERAL INSPECTION TRUST FUND		41,432

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1475 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	30,653	
1476 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	99,000	
1477 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	258,175	
1478 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	78,015	
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1479A FIXED CAPITAL OUTLAY		
RENOVATE AGRICULTURAL INSPECTIONS STATIONS - STATEWIDE		
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		125,000
1479B FIXED CAPITAL OUTLAY		
CONSTRUCTION OF CANOPIES AT AGRICULTURAL INSPECTION STATIONS		
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		300,000
TOTAL: AGRICULTURAL INSPECTION STATIONS		
FROM GENERAL REVENUE FUND	10,004,204	
FROM TRUST FUNDS		539,601
TOTAL POSITIONS	185	
TOTAL ALL FUNDS		10,543,805

ANIMAL PEST AND DISEASE CONTROL

1480 SALARIES AND BENEFITS POSITIONS	158	
FROM GENERAL REVENUE FUND	5,898,742	
FROM CONTRACTS AND GRANTS TRUST FUND		489,308
FROM GENERAL INSPECTION TRUST FUND		157,772
1481 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	11,866	
1482 EXPENSES		
FROM GENERAL REVENUE FUND	788,681	
FROM CONTRACTS AND GRANTS TRUST FUND		335,688
FROM GENERAL INSPECTION TRUST FUND		286,033
1483 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	607,595	
1484 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	58,607	
FROM CONTRACTS AND GRANTS TRUST FUND		21
1484A SPECIAL CATEGORIES		
TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES - SMALL ANIMAL HOSPITAL		
FROM GENERAL REVENUE FUND	100,000	
TOTAL: ANIMAL PEST AND DISEASE CONTROL		
FROM GENERAL REVENUE FUND	7,465,491	
FROM TRUST FUNDS		1,268,822
TOTAL POSITIONS	158	
TOTAL ALL FUNDS		8,734,313

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PLANT PEST AND DISEASE CONTROL

1485	SALARIES AND BENEFITS POSITIONS 348		
	FROM GENERAL REVENUE FUND	10,299,646	
	FROM CITRUS INSPECTION TRUST FUND		610,944
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		477,926
	FROM PLANT INDUSTRY TRUST FUND		2,200,295
1486	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	67,017	
	FROM CITRUS INSPECTION TRUST FUND		7,800
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		99,230
	FROM PLANT INDUSTRY TRUST FUND		759,550
1487	EXPENSES		
	FROM GENERAL REVENUE FUND	1,088,549	
	FROM CITRUS INSPECTION TRUST FUND		90,801
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		9,833
	FROM PLANT INDUSTRY TRUST FUND		1,142,737
1488	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	18,700	
	FROM PLANT INDUSTRY TRUST FUND		50,000
1488A	LUMP SUM		
	CITRUS CANKER TREE COMPENSATION PROGRAM		
	FROM GENERAL REVENUE FUND	27,500,000	

The non-recurring funds provided in Specific Appropriation 1488A shall be used to compensate private homeowners $100 for each citrus tree destroyed on their residential property by the joint Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture Citrus Canker Eradication Program. The Department shall develop a residential citrus tree compensation program for residential citrus trees lost. The program shall be as described in CS/CS/SB 170. The department shall develop a plan to identify, document and distribute these funds to applicable residents. The plan shall ensure that no compensation is provided for trees previously replaced by the Shade Dade program. Prior to the release of any funds from this appropriation the department shall submit the plan to the Legislative Budget Commission for review pursuant to the provisions of s. 216.177, Florida Statutes. The department may use up to $500,000 from this appropriation to administer this program.

1489	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	90,000	
	FROM PLANT INDUSTRY TRUST FUND		150,000
1490	SPECIAL CATEGORIES		
	AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)		
	FROM GENERAL REVENUE FUND	1,000,000	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,000,000
1491	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
	FROM PLANT INDUSTRY TRUST FUND		560,000
1492	SPECIAL CATEGORIES		
	APIARIAN INDEMNITIES		
	FROM GENERAL REVENUE FUND	36,000	
1493	SPECIAL CATEGORIES		
	ENDANGERED PLANT SPECIES		
	FROM PLANT INDUSTRY TRUST FUND		250,000
1494	SPECIAL CATEGORIES		
	PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM		
	FROM PLANT INDUSTRY TRUST FUND		300,000
1495	SPECIAL CATEGORIES		
	CITRUS CANKER ERADICATION		

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	FROM CONTRACTS AND GRANTS TRUST FUND . . .		38,976,500
	AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		6,200,000

Funds from the Contracts and Grants Trust Fund in Specific Appropriation 1495 are contingent upon receipt of federal funds designated for this purpose.

1496	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	431,360	
	FROM PLANT INDUSTRY TRUST FUND		9,126
1496A	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES FOR INVASIVE EXOTICS QUARANTINE FACILITY		
	FROM GENERAL REVENUE FUND	750,000	
1496B	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA - INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES/BIOLOGICAL CONTROL OF PEST MOLE CRICKETS		
	FROM GENERAL REVENUE FUND	300,000	
1496C	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA - INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES - FLORIDA AUTOMATED WEATHER NETWORK		
	FROM GENERAL REVENUE FUND	52,700	
TOTAL:	PLANT PEST AND DISEASE CONTROL		
	FROM GENERAL REVENUE FUND	41,633,972	
	FROM TRUST FUNDS		52,894,742
	TOTAL POSITIONS	348	
	TOTAL ALL FUNDS		94,528,714

COMMUNITY AFFAIRS, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY

From the funds in Specific Appropriations 1497 through 1515, the Office of the Secretary will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of local government participation in land acquisition programs	16%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LAND ADMINISTRATION

1497	SALARIES AND BENEFITS POSITIONS 18		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		794,904

Funds in Specific Appropriations 1497 through 1500 reflect the transfer of $1,148,854 from the Land Acquisition Trust Fund in the Department of Environmental Protection to the Department of Community Affairs for the administration of the Florida Communities Trust Land Acquisition Program.

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1498 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 50,000

1499 EXPENSES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 301,579

1499A OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST FUND . . . 2,000

1500 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND . . . 371

1502 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 66,000,000

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 67,148,854

TOTAL POSITIONS 18
TOTAL ALL FUNDS 67,148,854

FLORIDA COASTAL MANAGEMENT

1503 SALARIES AND BENEFITS POSITIONS 12
FROM GENERAL REVENUE FUND 266,973
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 378,998

1504 OTHER PERSONAL SERVICES
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 340,000

1505 EXPENSES
FROM GENERAL REVENUE FUND 30,524
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 299,047

1506 OPERATING CAPITAL OUTLAY
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,399

1507 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 204

1508 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,453,004

TOTAL: FLORIDA COASTAL MANAGEMENT
FROM GENERAL REVENUE FUND 297,497
FROM TRUST FUNDS 2,472,652

TOTAL POSITIONS 12
TOTAL ALL FUNDS 2,770,149

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1510 SALARIES AND BENEFITS POSITIONS 85
FROM GENERAL REVENUE FUND 2,089,301
FROM ADMINISTRATIVE TRUST FUND 2,080,903
FROM ENERGY CONSUMPTION TRUST FUND 35,088
FROM GRANTS AND DONATIONS TRUST FUND . . . 192,245
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 35,142

1511 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 417,344

1512 EXPENSES
FROM GENERAL REVENUE FUND 217,521

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FROM ADMINISTRATIVE TRUST FUND 869,681
FROM ENERGY CONSUMPTION TRUST FUND 4,023
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,099
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 5,495

1513 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 93,608

1514 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 276,970

1515 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,198
FROM ADMINISTRATIVE TRUST FUND 6,512
FROM ENERGY CONSUMPTION TRUST FUND 69
FROM GRANTS AND DONATIONS TRUST FUND . . . 136
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 38

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,596,990
FROM TRUST FUNDS 3,767,383

TOTAL POSITIONS 85
TOTAL ALL FUNDS 6,364,373

PROGRAM: COMMUNITY PLANNING

From the funds in Specific Appropriations 1517 through 1522, the Community Planning Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of local comprehensive plan amendments determined to be in compliance with the Growth Management Act	98%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMMUNITY PLANNING

1517 SALARIES AND BENEFITS POSITIONS 72
FROM GENERAL REVENUE FUND 3,480,676

1518 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,733

1519 EXPENSES
FROM GENERAL REVENUE FUND 529,457
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,288

1519A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 500

1520 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 2,236,250

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Funds in Specific Appropriation 1520 are provided to Regional Planning Councils, 70 percent of which is to be divided equally to each council and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

From funds in Specific Appropriation 1520, $250,000 is provided to the Northeast Florida Regional Planning Council for a regional web based data center.

1521 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 250
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,441

1522 SPECIAL CATEGORIES
GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE
FROM GENERAL REVENUE FUND 525,000

From funds provided in Specific Appropriation 1522, $25,000 is provided for the Stock Island Community Master Plan.

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 6,791,783
FROM TRUST FUNDS 70,962

TOTAL POSITIONS 72
TOTAL ALL FUNDS 6,862,745

PROGRAM: EMERGENCY MANAGEMENT

From the funds in Specific Appropriations 1524 through 1591, the Emergency Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of counties with an above average capability rating to respond to emergencies	55%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PRE-DISASTER MITIGATION

1524 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 61,396
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 50,493
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,507
FROM OPERATING TRUST FUND 3,159
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 342,408

1525 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,332

1526 EXPENSES
FROM GENERAL REVENUE FUND 253
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 23,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,624
FROM OPERATING TRUST FUND 4,718

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FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 64,501

1526A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 4,600,000

1529 SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 208,333
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 1,250,000

Funds in Specific Appropriation 1529 are provided for pre-disaster mitigation program. Match requirements of 25 percent for the federal funds shall be provided by local government at 12.5 percent and by the Department of Community Affairs for the remaining 12.5 percent. The source of the Department of Community Affairs' 12.5 percent match is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: PRE-DISASTER MITIGATION
FROM GENERAL REVENUE FUND 61,649
FROM TRUST FUNDS 6,566,317

TOTAL POSITIONS 10
TOTAL ALL FUNDS 6,627,966

EMERGENCY PLANNING

1531 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 399,448
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 474,060
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,512
FROM OPERATING TRUST FUND 97,356
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 592,258

1532 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 190,331
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 962,936

1533 EXPENSES
FROM GENERAL REVENUE FUND 7,777
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 62,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,065
FROM OPERATING TRUST FUND 12,486
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 361,039

1534 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,189,944

1535 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1536 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

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1537 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 8,340,072
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 83,438

1538 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,475,030

1539 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,409,000

1540 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,475,030

1541 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,697
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 5,697

1542 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 590,026

1543 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000

Funds in Specific Appropriation 1543 provided from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.

1543A SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT AND MITIGATION INITIATIVES
FROM GENERAL REVENUE FUND 3,674,541
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 2,216,553
FROM GRANTS AND DONATIONS TRUST FUND . . . 675,000
FROM OPERATING TRUST FUND 1,175,778

Funds in Specific Appropriation 1543A, shall be allocated as follows:

From the General Revenue Fund:
Red Bay Community Emergency Disaster Center - Walton..... 166,000
Choctaw Beach Community Emergency Disaster Center Project.. 166,000
Permanent Elevation/Benchmarking System - Monroe..... 92,600
Radio Alert System - Monroe..... 71,125
Milton Disaster Shelter..... 750,000
Special Need Shelter Generator - Manatee..... 300,000
Emergency Operations Center - Dade..... 100,000
Okaloosa Island Public Safety Center..... 250,000
Underground Utilities Conversion, Phase II - Orange..... 250,000
Fire Truck for Graceville..... 135,000
Fairway Park Building/Emergency Generator - Broward..... 30,000
Emergency Operations Center - Key Biscayne..... 750,000

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Pinellas Emergency Services Training Complex..... 250,000
Emergency Planning Pilot Program - Hillsborough..... 250,000
Emergency Hydraulic Pumps & Generator - Dade..... 38,816
City Facility Emergency Enhancement Program - Broward..... 50,000
Port Richey City Hall Emergency Hurricane Shelter..... 25,000

From the Emergency Management Preparedness and Assistance Trust Fund:
Damage Assessment Plan/Recovery Supplies - Monroe..... 175,600
Bury Utility Lines - Flager..... 990,000
Callaway Fire Station - Bay..... 400,000
Hurricane Mitigation Community Training - Monroe..... 50,000
Parker City Fire Truck..... 240,000
Firefighter Thermal Imaging Equipment Matching Grants..... 360,953

From the Grants and Donations Trust Fund:
Port Richey City Hall Emergency Hurricane Shelter..... 175,000
City of Palm Bay EOC/Shelter..... 250,000
Multi-use Shelter - Osceola..... 250,000

From the Operating Trust Fund:
Emergency Mobile Command Center - Dade..... 161,204
Regional Community Evacuation Shelter - Marion..... 1,014,574

Funds for emergency shelter or critical facility projects listed in Specific Appropriation 1543A are contingent on certification by the Department of Community Affairs that the emergency shelter or critical facility complies with, or will comply with, the structural considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The Department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2001, the Department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural or other considerations and may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in s. 216.177, F.S., to apply any remaining funds to projects which reduce the state's deficit of public hurricane evacuation space.

Funds in Specific Appropriation 1543A for Firefighter Thermal Imaging Equipment Matching Grants shall be utilized for matching grants of up to 80% to local fire departments to purchase thermal imaging devices on every fire apparatus.

The source of the Grants and Donations Trust Fund in Specific Appropriation 1543A is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: EMERGENCY PLANNING
FROM GENERAL REVENUE FUND 4,087,463
FROM TRUST FUNDS 32,220,669

TOTAL POSITIONS 43
TOTAL ALL FUNDS 36,308,132

EMERGENCY RECOVERY

1545 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 195,184
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 299,948
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,506
FROM OPERATING TRUST FUND 3,158
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 258,753
FROM U.S. CONTRIBUTIONS TRUST FUND 383,044

1546 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 30,000
FROM U.S. CONTRIBUTIONS TRUST FUND 100,000

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1547 EXPENSES
FROM GENERAL REVENUE FUND 48,911
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 115,634
FROM GRANTS AND DONATIONS TRUST FUND . . . 101,372
FROM OPERATING TRUST FUND 4,670
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 174,460
FROM U.S. CONTRIBUTIONS TRUST FUND 46,487

1548 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM U.S. CONTRIBUTIONS TRUST FUND 1,000,000

1550 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 473,866
FROM U.S. CONTRIBUTIONS TRUST FUND 129,361

For appropriations from the Grants and Donations Trust Fund in Specific Appropriations 1550 through 1561 and 1564 through 1577, the Department shall utilize the existing cash in the Grants and Donations Trust Fund that was specifically appropriated for previous disasters until additional cash resources are needed to pay obligations of the fund.

1551 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,130,700
FROM U.S. CONTRIBUTIONS TRUST FUND 11,507,164

Funds in Specific Appropriations 1551, 1553, 1555, 1557, 1559, 1567, 1569, 1573, 1575, and 1577 from the Grants and Donations Trust Fund are provided to meet the state portion of the match requirements for federally declared disasters. The Department shall, prior to release of funds, ensure that the affected local government has provided a 12.5 percent local match. Because the location, type of disaster and severity of the event can materially affect the magnitude of costs, a local governments' share may be initially provided by the state with future payment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation. Additionally, the Executive Office of the Governor may approve a waiver of the 12.5 percent local match, subject to Legislature notice and review under s. 216.177, Florida Statutes, if it determined that such a match cannot be provided or that doing so would effect a documented hardship on the local entity provided the local government applies for the waiver within the first 18 months after the disaster is declared.

1552 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 601,793
FROM U.S. CONTRIBUTIONS TRUST FUND 270,271

1553 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,500,000
FROM U.S. CONTRIBUTIONS TRUST FUND 34,839,326

1554 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - FLORIDA WILDFIRES FEMA DECLARATION/FIRE SUPPRESSION GRANTS - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 198,068

1555 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - FLORIDA WILDFIRES FEMA DECLARATION/FIRE SUPPRESSION GRANTS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND 1,405,277

1556 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01 - TROPICAL STORM HELENE - FEMA DECLARATION #1344 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 44,420
FROM U.S. CONTRIBUTIONS TRUST FUND 23,587

1557 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01 - TROPICAL STORM HELENE - FEMA DECLARATION #1344 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 941,420
FROM U.S. CONTRIBUTIONS TRUST FUND 4,826,545

1558 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01/ SOUTH FLORIDA FLOODS FEMA DECLARATION #1345 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 336,392
FROM U.S. CONTRIBUTIONS TRUST FUND 365,099

1559 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01/ SOUTH FLORIDA FLOODS FEMA DECLARATION #1345 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,122,321
FROM U.S. CONTRIBUTIONS TRUST FUND 76,961,971

From funds in Specific Appropriation 1559, up to $830,000 from the Grants and Donations Trust Fund and $3,320,000 from the U.S. Contributions Trust Fund shall be allocated to priority hazard mitigation projects recommended by the South Florida Flooding Working Group in the C-4 Canal Basin. These amounts reflect the hazard mitigation funds estimated to be disbursed on priority projects in Fiscal Year 2001-2002.

1560 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM U.S. CONTRIBUTIONS TRUST FUND 126,034

1561 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 877,010
FROM U.S. CONTRIBUTIONS TRUST FUND 6,611,318

1562 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES
FROM U.S. CONTRIBUTIONS TRUST FUND 219,326

1563 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW
FROM U.S. CONTRIBUTIONS TRUST FUND 21,000,000

1564 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ERIN
FROM GRANTS AND DONATIONS TRUST FUND . . . 480,794
FROM U.S. CONTRIBUTIONS TRUST FUND 976,027

1565 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE OPAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,397,145
FROM U.S. CONTRIBUTIONS TRUST FUND 9,697,003

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1566 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1195 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 453,731
FROM U.S. CONTRIBUTIONS TRUST FUND 31,174

1567 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1195 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,236,672
FROM U.S. CONTRIBUTIONS TRUST FUND 13,564,641

1568 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1204 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 44,445
FROM U.S. CONTRIBUTIONS TRUST FUND 8,251

1569 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1204 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 543,008
FROM U.S. CONTRIBUTIONS TRUST FUND 2,715,918

1570 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - FLORIDA WILDFIRES FEMA DECLARATION #1223/ FIRE SUPPRESSION GRANTS #2201 - ST OP
FROM GRANTS AND DONATIONS TRUST FUND . . . 281,016
FROM U.S. CONTRIBUTIONS TRUST FUND 16,114

1571 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - FLORIDA WILDFIRES FEMA DECLARATION #1223/ FIRE SUPPRESSION GRANTS #2201-PASS THRU
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,846
FROM U.S. CONTRIBUTIONS TRUST FUND 569,693

1572 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,171

1573 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,579
FROM U.S. CONTRIBUTIONS TRUST FUND 243,476

1574 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,274,988
FROM U.S. CONTRIBUTIONS TRUST FUND 245,744

1575 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,027,797
FROM U.S. CONTRIBUTIONS TRUST FUND 18,504,261

1576 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 49,936
FROM U.S. CONTRIBUTIONS TRUST FUND 13,017

1577 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 438,000
FROM U.S. CONTRIBUTIONS TRUST FUND 876,952

TOTAL: EMERGENCY RECOVERY
FROM GENERAL REVENUE FUND 244,095
FROM TRUST FUNDS 261,962,031

TOTAL POSITIONS 24
TOTAL ALL FUNDS 262,206,126

EMERGENCY RESPONSE

1581 SALARIES AND BENEFITS POSITIONS 18
FROM GENERAL REVENUE FUND 405,144
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 104,004
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,883
FROM OPERATING TRUST FUND 68,274
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 261,135

1582 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331

1583 EXPENSES
FROM GENERAL REVENUE FUND 62,269
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 69,782
FROM GRANTS AND DONATIONS TRUST FUND . . . 48,231
FROM OPERATING TRUST FUND 13,975
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 228,996

1584 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,872
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,196
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 6,352

1585 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 65,000

1586 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,962
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 6,962

TOTAL: EMERGENCY RESPONSE
FROM GENERAL REVENUE FUND 474,375
FROM TRUST FUNDS 957,993

TOTAL POSITIONS 18
TOTAL ALL FUNDS 1,432,368

HAZARDOUS MATERIALS COMPLIANCE PLANNING

1588 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 84,456
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,275
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,190
FROM OPERATING TRUST FUND 776,530
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 46,145

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1589 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 29,749
FROM OPERATING TRUST FUND 1,335,000

1590 EXPENSES
FROM GENERAL REVENUE FUND 14,668
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 62,977
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,645
FROM OPERATING TRUST FUND 313,221
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 9,841

1591 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 200,000

TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING
FROM GENERAL REVENUE FUND 99,124
FROM TRUST FUNDS 2,850,573

TOTAL POSITIONS 21
TOTAL ALL FUNDS 2,949,697

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

From the funds in Specific Appropriations 1594 through 1619A, the Housing and Community Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of neighborhoods assisted and improved through community development block grant programs, empowerment zone programs, urban infill programs, affordable housing programs, and long-term redevelopment programs	154
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

1594 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 667,601
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 447,873
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 9,680
FROM ENERGY CONSUMPTION TRUST FUND 9,395
FROM STATE HOUSING TRUST FUND 28,344
FROM GRANTS AND DONATIONS TRUST FUND . . . 174,926
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 3,960
FROM OPERATING TRUST FUND 142,870

1595 OTHER PERSONAL SERVICES
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 587,767
FROM STATE HOUSING TRUST FUND 100,585
FROM GRANTS AND DONATIONS TRUST FUND . . . 486,769

1596 EXPENSES
FROM GENERAL REVENUE FUND 89,488

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FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 248,231
FROM STATE HOUSING TRUST FUND 30,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,277
FROM OPERATING TRUST FUND 35,190

1597 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 4,078,837

Funds provided in Specific Appropriations 1597 and 1600 shall be divided and distributed among the statutorily established program categories as follows: Housing 20 percent; Economic Development 30 percent; Neighborhood Revitalization 40 percent; and Commercial Revitalization 10 percent, after the allowance of 2 percent plus $100,000 of total funds available for administration and 1 percent allocation for training or technical assistance to local governments. Applications for programs or projects which provide employment opportunities to clients of Workforce Development Initiatives shall be given additional consideration in the distribution of these funds within the limits of the federal law and state statute which govern the Community Development Block Grant Program. Funds not distributed due to an insufficient number of eligible applications during the application cycle in any of the program categories shall be transferred to the program category receiving the greatest dollar value of request for grants.

1597A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,000
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 1,000
FROM STATE HOUSING TRUST FUND 1,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

1597B SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT SERVICES PROJECTS
FROM GENERAL REVENUE FUND 2,725,000
FROM OPERATING TRUST FUND 1,042,500

Funds in Specific Appropriation 1597B are provided for the following programs and projects:

From General Revenue:

City of South Miami-Housing	300,000
Empowerment Zone - Miami/Dade	1,000,000
Increased Funding for Florida's Regional Planning Councils.	400,000
EXPONICA International 2001	75,000
Tampa-Hillsborough Urban League HQ & Skills Training Ctr.	500,000
Administration & Community Training Building - Broward	200,000
Art & Cultural Center for At Risk Kids and Seniors	50,000
Homestead Fiber Optic Network	100,000
Habitat for Humanity Affordable Housing Dev. - Monroe	100,000

From the Operating Trust Fund:

Telework Tampa Bay	350,000
Bird Road Neighborhood & Cultural Redevelopment - Dade	525,000
Red Cross Center - Dade	25,000
Naples Preserve Education and Information Building	50,000
Keep Putnam Beautiful	25,000
Community Identity Program (Visioning) - Monroe	67,500

1598 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,249
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 1,043
FROM STATE HOUSING TRUST FUND 35
FROM GRANTS AND DONATIONS TRUST FUND . . . 412
FROM OPERATING TRUST FUND 896

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1598A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 672,799

1598B SPECIAL CATEGORIES
GRANTS AND AIDS - CDBG DISASTER RECOVERY INITIATIVE
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 9,815,619
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,081,311

1598C SPECIAL CATEGORIES
TRANSFER TO COMMUNITY PLANNING
FROM STATE HOUSING TRUST FUND 60,161

1598D SPECIAL CATEGORIES
TRANSFER TO ENERGY CONSUMPTION TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

1600 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . 63,371,800

1601 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
MIGRANT AND SEASONAL FARM WORKER HOUSING
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,840,000

1602 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ENERGY CONSUMPTION TRUST FUND 2,000,000

TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT
FROM GENERAL REVENUE FUND 3,486,338
FROM TRUST FUNDS 94,366,060

TOTAL POSITIONS 29
TOTAL ALL FUNDS 97,852,398

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

1604 SALARIES AND BENEFITS POSITIONS 23
FROM ENERGY CONSUMPTION TRUST FUND 141,920
FROM OPERATING TRUST FUND 930,057

1605 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 615,304
FROM OPERATING TRUST FUND 1,956,410

1606 EXPENSES
FROM ENERGY CONSUMPTION TRUST FUND 20,361
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,039
FROM OPERATING TRUST FUND 408,146

1606A OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 2,000

1606B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 588,828

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1606B, this transfer shall be reduced proportionately.

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1607 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 2,678

1607A SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE LOSS MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,400,693

Funds provided from the Grants and Donations Trust Fund in Specific Appropriations 1605, 1606, and 1607A reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.

TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION
FROM TRUST FUNDS 11,191,436

TOTAL POSITIONS 23
TOTAL ALL FUNDS 11,191,436

PUBLIC SERVICE AND ENERGY INITIATIVES

1610 SALARIES AND BENEFITS POSITIONS 23
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 386,370
FROM ENERGY CONSUMPTION TRUST FUND 496,903
FROM STATE HOUSING TRUST FUND 39,392
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 173,180

1611 OTHER PERSONAL SERVICES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 152,925
FROM ENERGY CONSUMPTION TRUST FUND 130,340
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 46,148

1612 EXPENSES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 157,631
FROM ENERGY CONSUMPTION TRUST FUND 373,748
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 142,857

1612A OPERATING CAPITAL OUTLAY
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,000
FROM ENERGY CONSUMPTION TRUST FUND 1,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,000

1612B SPECIAL CATEGORIES
GRANTS AND AIDS - DEPARTMENT OF ENERGY SPECIAL PROJECTS
FROM ENERGY CONSUMPTION TRUST FUND 1,645,399

1613 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 16,000,000

1614 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1615 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 14,486,047

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1616 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ENERGY CONSUMPTION TRUST FUND 2,493,211
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1617 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,043
FROM ENERGY CONSUMPTION TRUST FUND 1,831
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 447

1618 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 175,000

1619A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ENERGY CONSUMPTION TRUST FUND 3,600,000

Funds in Specific Appropriation 1619A, shall be allocated as follows:

Electrochromic Commercialization Program..... 1,500,000
Rural Investment Program..... 1,000,000
Investment Initiative for Energy Technology..... 1,000,000
Clean Air Cooperative..... 100,000

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM GENERAL REVENUE FUND 175,000
FROM TRUST FUNDS 43,191,063

TOTAL POSITIONS 23
TOTAL ALL FUNDS 43,366,063

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

From the funds in Specific Appropriations 1620 through 1623A, the Florida Housing Finance Corporation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of targeted dollars that are allocated to the targeted population	70%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

AFFORDABLE HOUSING FINANCING

1620 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 49,395,000

Funds provided in Specific Appropriation 1620 include Fiscal Year 2001-2002 debt service on all Florida Affordable Housing Guarantee Program Bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program.

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The Housing Finance Corporation shall provide to the Executive Office of the Governor, Speaker of the House and President of the Senate by addendum or inclusion in its Annual Report, performance measures and targets as identified in its Business Plan.

From funds provided in Specific Appropriation 1620, $221,990 shall be used to cover the cost of the Housing Data Clearinghouse.

1621 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS - ADMINISTRATION
FROM STATE HOUSING TRUST FUND 1,426,212

1622 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 126,600,000

Counties and eligible municipalities receiving local housing distributions pursuant to s. 420.9073, F.S., and funded with Specific Appropriation 1622, shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives.

1623 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 200,000

1623A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 900,000

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS 178,521,212

TOTAL ALL FUNDS 178,521,212

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1624 SALARIES AND BENEFITS POSITIONS 329
FROM GENERAL REVENUE FUND 3,867,581
FROM ADMINISTRATIVE TRUST FUND 12,608,247
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 57,257
FROM INLAND PROTECTION TRUST FUND 168,022
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,293

1625 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 415,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,879

1626 EXPENSES
FROM GENERAL REVENUE FUND 1,118,104
FROM ADMINISTRATIVE TRUST FUND 3,011,488
FROM INLAND PROTECTION TRUST FUND 52,886
FROM GRANTS AND DONATIONS TRUST FUND . . . 142,997

1627 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 156,552

1628 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 49,859

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1629 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM ADMINISTRATIVE TRUST FUND		548,012
1630 SPECIAL CATEGORIES		
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
FROM ADMINISTRATIVE TRUST FUND		72,297
1631 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	29,229	
FROM ADMINISTRATIVE TRUST FUND		33,027
1632 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,910	
1633 SPECIAL CATEGORIES		
UNDERGROUND STORAGE TANK CLEANUP		
FROM INLAND PROTECTION TRUST FUND		107,407
1633A SPECIAL CATEGORIES		
PETROLEUM CLEANUP AUDITS		
FROM INLAND PROTECTION TRUST FUND		430,980
1633B SPECIAL CATEGORIES		
STATE FAIR		
FROM ADMINISTRATIVE TRUST FUND		42,000
1633C DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	125,869	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	5,230,193	
FROM TRUST FUNDS		17,933,862
TOTAL POSITIONS	329	
TOTAL ALL FUNDS		23,164,055
PROGRAM: STATE LANDS		
INVASIVE PLANT CONTROL		
1635 SALARIES AND BENEFITS POSITIONS 32		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		1,471,546
1636 OTHER PERSONAL SERVICES		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		667,080
1637 EXPENSES		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		1,175,563
1638 OPERATING CAPITAL OUTLAY		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		35,710
1639 SPECIAL CATEGORIES		
CONTROL OF INVASIVE EXOTICS		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		29,725,376
FROM GRANTS AND DONATIONS TRUST FUND . . .		800,000
1639A SPECIAL CATEGORIES		
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADMINISTRATIVE OVERHEAD		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		880,000
1639B SPECIAL CATEGORIES		
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		25,000

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TOTAL: INVASIVE PLANT CONTROL		
FROM TRUST FUNDS		34,780,275
TOTAL POSITIONS	32	
TOTAL ALL FUNDS		34,780,275
LAND ADMINISTRATION		
1640 SALARIES AND BENEFITS POSITIONS 67		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		866,983
FROM GRANTS AND DONATIONS TRUST FUND . . .		240,625
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,921,827
FROM LAND ACQUISITION TRUST FUND		199,236
FROM WATER MANAGEMENT LANDS TRUST FUND . .		49,519
1641 OTHER PERSONAL SERVICES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		120,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,976
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,124,921
FROM LAND ACQUISITION TRUST FUND		4,000
1642 EXPENSES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		291,074
FROM GRANTS AND DONATIONS TRUST FUND . . .		116,262
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		600,769
FROM LAND ACQUISITION TRUST FUND		18,630
FROM WATER MANAGEMENT LANDS TRUST FUND . .		6,612
1643 OPERATING CAPITAL OUTLAY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		51,649
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		56,734
1644 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		83,832
1645 SPECIAL CATEGORIES		
NATURAL AREAS INVENTORY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		445,895
1646 SPECIAL CATEGORIES		
PAYMENT IN LIEU OF TAXES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,660,000
1647 SPECIAL CATEGORIES		
FLORIDA FOREVER		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		149,967
1648 SPECIAL CATEGORIES		
GREEN SWAMP		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		99,994
1648A DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		496,688
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		198,618
1649 FIXED CAPITAL OUTLAY		
DEBT SERVICE - FLORIDA FOREVER BONDS		
FROM LAND ACQUISITION TRUST FUND		28,400,000
1650 FIXED CAPITAL OUTLAY		
DEBT SERVICE - FLORIDA FOREVER BONDS - NEW		

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SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds in Specific Appropriation 1650 are for debt service requirements for the second series of Florida Forever bonds.

1651 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER TRUST FUND 105,000,000

1652 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 274,902,805

Funds provided in Specific Appropriation 1652 are for Fiscal Year 2001-2002 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 2000. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1653 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND
ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 80,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 50,000,000

Funds provided in Specific Appropriation 1653 from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of s. 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in s. 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department shall release upon such request, funds provided in Specific Appropriation 1653 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 552,142,616

TOTAL POSITIONS 67
TOTAL ALL FUNDS 552,142,616

LAND MANAGEMENT

From the funds in Specific Appropriations 1635 through 1662, the State Lands Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent increase in the number of occurrences of endangered/ threatened/special concern species on publicly managed conservation areas	3.6%
2. Percent of Florida's public waters where control of hydrilla, water hyacinth, and water lettuce has been achieved and sustained	95%

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1654 SALARIES AND BENEFITS POSITIONS 86
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 633,757
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 3,317,845

1655 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 914,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 874,024
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 76,519

1656 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 978,245
FROM FORFEITED PROPERTY TRUST FUND 47,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 433,457
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,711,627

1657 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 44,148
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 116,484

1657A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE
PLANT INDUSTRY TRUST FUND
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 250,000

1658 SPECIAL CATEGORIES
STATE LANDS STEWARDSHIP
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 375,000

1658A SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 84,000

1659 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM
PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 716,932

1660 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 40,125

1660A SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1661 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 7,198,739

From the funds in Specific Appropriation 1661, up to $300,000 is provided to the Department of Environmental Protection for the purpose of a pilot project to map and determine acreage of sovereignty lands using remote sensing satellite data obtained through NASA or its affiliates.

1661A SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL
TRUST FUND
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 11,091,313

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1661B SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 10,068,044

1661C SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 3,884,930

1661D SPECIAL CATEGORIES
TRANSFER TO STATE GAME TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,455,500

1662 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

1662A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 68,013
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 508,718

1663 FIXED CAPITAL OUTLAY
BELLE GLADE HAZARDOUS WASTE CLEANUP
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 500,000

1664 FIXED CAPITAL OUTLAY
CASCADES PARK - SITE CONTAMINATION ASSESSMENT
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,000,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 49,789,579

TOTAL POSITIONS 86
TOTAL ALL FUNDS 49,789,579

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

1665 SALARIES AND BENEFITS POSITIONS 460
FROM GENERAL REVENUE FUND 11,917,721
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 175,585
FROM GRANTS AND DONATIONS TRUST FUND . . . 403,592
FROM LAND ACQUISITION TRUST FUND 1,058,818
FROM PERMIT FEE TRUST FUND 4,271,909
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,964,163

1666 OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 135,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 59,303

1667 EXPENSES
FROM GENERAL REVENUE FUND 172,076
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 532,611
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,196
FROM LAND ACQUISITION TRUST FUND 218,492
FROM PERMIT FEE TRUST FUND 318,036
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,029,983

1668 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 38,217

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1669 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 14,307
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,304
FROM PERMIT FEE TRUST FUND 6,633
FROM WATER QUALITY ASSURANCE TRUST FUND . 15,908

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 12,089,797
FROM TRUST FUNDS 11,280,057

TOTAL POSITIONS 460
TOTAL ALL FUNDS 23,369,854

AIR ASSESSMENT

1670 SALARIES AND BENEFITS POSITIONS 18
FROM AIR POLLUTION CONTROL TRUST FUND . . 720,866
FROM GRANTS AND DONATIONS TRUST FUND . . . 146,164

1671 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 28,445

1672 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 91,143
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,272

1673 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 12,763

1673A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 42,924

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 1,082,577

TOTAL POSITIONS 18
TOTAL ALL FUNDS 1,082,577

AIR POLLUTION PREVENTION

1674 SALARIES AND BENEFITS POSITIONS 81
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,841,705

1675 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 174,156

1676 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 523,447

1677 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 118,313

1678 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 13,968

1678A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 281,895

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 4,953,484

TOTAL POSITIONS 81
TOTAL ALL FUNDS 4,953,484

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WASTE CONTROL

1679	SALARIES AND BENEFITS POSITIONS	160	
	FROM GENERAL REVENUE FUND	480,757	
	FROM INLAND PROTECTION TRUST FUND		2,013,247
	FROM GRANTS AND DONATIONS TRUST FUND . . .		990,693
	FROM PERMIT FEE TRUST FUND		368,467
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		1,298,711
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,275,364
1680	OTHER PERSONAL SERVICES		
	FROM INLAND PROTECTION TRUST FUND		110,000
1681	EXPENSES		
	FROM GENERAL REVENUE FUND	37,776	
	FROM INLAND PROTECTION TRUST FUND		259,262
	FROM GRANTS AND DONATIONS TRUST FUND . . .		107,582
	FROM PERMIT FEE TRUST FUND		39,178
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		153,517
	FROM WATER QUALITY ASSURANCE TRUST FUND .		246,024
1682	OPERATING CAPITAL OUTLAY		
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		81,225
1683	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INLAND PROTECTION TRUST FUND		183,000
1684	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		120,594
1685	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND		4,021
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,356
1686	SPECIAL CATEGORIES		
	RESEARCH, DEVELOPMENT AND TECHNICAL		
	ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		14,000
1686A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM INLAND PROTECTION TRUST FUND		191,824
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		147,997
TOTAL:	WASTE CONTROL		
	FROM GENERAL REVENUE FUND	518,533	
	FROM TRUST FUNDS		8,609,062
	TOTAL POSITIONS	160	
	TOTAL ALL FUNDS		9,127,595

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1687	SALARIES AND BENEFITS POSITIONS	101	
	FROM GENERAL REVENUE FUND	4,143,377	
	FROM ADMINISTRATIVE TRUST FUND		320,764
	FROM AIR POLLUTION CONTROL TRUST FUND . .		225,641
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		247,116
1688	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		127,564
	FROM WATER QUALITY ASSURANCE TRUST FUND .		200,000
1689	EXPENSES		
	FROM GENERAL REVENUE FUND	1,548,184	
	FROM ADMINISTRATIVE TRUST FUND		582,783
	FROM AIR POLLUTION CONTROL TRUST FUND . .		37,798
	FROM LAND ACQUISITION TRUST FUND		27,923
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		39,739
	FROM WATER QUALITY ASSURANCE TRUST FUND .		50,000

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1690	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		18,405
1691	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	34,257	
1692	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	60,258	
	FROM ADMINISTRATIVE TRUST FUND		31,973
1692A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	377,570	
	FROM INLAND PROTECTION TRUST FUND		9,945
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	6,163,646	
	FROM TRUST FUNDS		1,919,651
	TOTAL POSITIONS	101	
	TOTAL ALL FUNDS		8,083,297

WASTE CLEANUP

1694	SALARIES AND BENEFITS POSITIONS	1	
	FROM WATER QUALITY ASSURANCE TRUST FUND .		89,736
1695	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		70,000
TOTAL:	WASTE CLEANUP		
	FROM TRUST FUNDS		159,736
	TOTAL POSITIONS	1	
	TOTAL ALL FUNDS		159,736

PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT

FLORIDA GEOLOGICAL SURVEY

1696	SALARIES AND BENEFITS POSITIONS	40	
	FROM MINERALS TRUST FUND		1,837,162
	FROM WATER QUALITY ASSURANCE TRUST FUND .		115,520
1697	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		442,229
	FROM MINERALS TRUST FUND		51,304
1698	EXPENSES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		790,135
	FROM MINERALS TRUST FUND		369,323
	FROM WATER QUALITY ASSURANCE TRUST FUND .		441,820
1699	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
	FROM MINERALS TRUST FUND		20,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		16,104
1700	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM MINERALS TRUST FUND		212,745
1701	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MINERALS TRUST FUND		14,343
1701A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM MINERALS TRUST FUND		65,456

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TOTAL: FLORIDA GEOLOGICAL SURVEY
FROM TRUST FUNDS 4,416,141

TOTAL POSITIONS 40
TOTAL ALL FUNDS 4,416,141

LABORATORY SERVICES

1703 SALARIES AND BENEFITS POSITIONS 82
FROM GENERAL REVENUE FUND 400,106
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,296,565

1704 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 304,590

1705 EXPENSES
FROM GENERAL REVENUE FUND 44,491
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,637,994

1706 OPERATING CAPITAL OUTLAY
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 350,000

1707 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM WATER QUALITY ASSURANCE TRUST FUND . 125,000

1708 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 519,764

1709 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 494,180

1710 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 357,000

1711 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 252,440
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 13,725

TOTAL: LABORATORY SERVICES
FROM GENERAL REVENUE FUND 697,037
FROM TRUST FUNDS 7,098,818

TOTAL POSITIONS 82
TOTAL ALL FUNDS 7,795,855

MERCURY MONITORING AND RESEARCH

1713 SALARIES AND BENEFITS POSITIONS 2
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 153,860

1714 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 950,000

1715 EXPENSES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 35,207

1716 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM AIR POLLUTION CONTROL TRUST FUND . . 500,000

TOTAL: MERCURY MONITORING AND RESEARCH
FROM TRUST FUNDS 1,639,067

TOTAL POSITIONS 2
TOTAL ALL FUNDS 1,639,067

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INFORMATION TECHNOLOGY

1716A SALARIES AND BENEFITS POSITIONS 68
FROM WORKING CAPITAL TRUST FUND 3,298,142

1716B OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 400,000

1716C EXPENSES
FROM WORKING CAPITAL TRUST FUND 3,111,698

1716D OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 110,000

1716E SPECIAL CATEGORIES
INTEGRATED DATABASE FOR REGULATORY APPLICATIONS
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,528,210
FROM PERMIT FEE TRUST FUND 1,100,000

1716F SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 7,183

1716G DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 920,147

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 10,475,380

TOTAL POSITIONS 68
TOTAL ALL FUNDS 10,475,380

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

1718 SALARIES AND BENEFITS POSITIONS 74
FROM GENERAL REVENUE FUND 2,867,290
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 259,473
FROM PERMIT FEE TRUST FUND 218,848

1719 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 497,857

1720 EXPENSES
FROM GENERAL REVENUE FUND 467,524
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 48,853
FROM PERMIT FEE TRUST FUND 307,101

1721 OPERATING CAPITAL OUTLAY
FROM PERMIT FEE TRUST FUND 79,519

1722 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,129

1722A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 26,146

1724 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 30,000,000

Funds in Specific Appropriation 1724 fund the priority list included in the Florida Beach Erosion Control Program dated January 23,2001. From

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the $1,200,000 included in this priority list for Statewide Inlet/Beach Management Plans, $115,000 shall be provided for the St. Lucie Inlet Management Plan and $81,000 shall be provided for Hutchinson Island Beach Nourishment.

In accordance with the provisions of chapter 161.082, 161.091 and 161.161, F.S., the Department shall utilize up to 10% of the funds appropriated in Specific Appropriation 1724 to adjust the state/local cost share of local government projects that include efficient and effective project components that extend the maintenance period of beach restoration projects or for local government projects which require preventative actions while awaiting beach restoration projects. Additionally, any and all funds saved by the use of alternative methods shall be used to fund other projects on the approved list.

1724A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY TO SAVE SOUTH AMELIA ISLAND STATE PARK		
FROM LAND ACQUISITION TRUST FUND		5,000,000
TOTAL: BEACH MANAGEMENT		
FROM GENERAL REVENUE FUND	3,866,946	
FROM TRUST FUNDS		35,913,794
TOTAL POSITIONS	74	
TOTAL ALL FUNDS		39,780,740

WATER RESOURCE PROTECTION AND RESTORATION

1725 SALARIES AND BENEFITS POSITIONS	274	
FROM GENERAL REVENUE FUND	2,281,765	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		251,442
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,565,881
FROM LAND ACQUISITION TRUST FUND		526,970
FROM MINERALS TRUST FUND		1,861,852
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		717,513
FROM PERMIT FEE TRUST FUND		716,918
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,394,684
1726 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,994	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		520,000
FROM LAND ACQUISITION TRUST FUND		40,000
FROM MINERALS TRUST FUND		145,479
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		12,985
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,933,456
1727 EXPENSES		
FROM GENERAL REVENUE FUND	245,743	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		65,251
FROM LAND ACQUISITION TRUST FUND		37,937
FROM MINERALS TRUST FUND		410,648
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		86,065
FROM PERMIT FEE TRUST FUND		596,141
FROM WATER QUALITY ASSURANCE TRUST FUND .		645,354
1728 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1729 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
FROM PERMIT FEE TRUST FUND		250,000

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1730 OPERATING CAPITAL OUTLAY		
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		53,500
1731 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		200,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		103,436
1732 SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK		
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,298,745
1733 SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,527,597
1734 SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
FROM PERMIT FEE TRUST FUND		1,783,140
1735 SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,549,943
1736 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	60,897	
1736A SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT		
FROM INLAND PROTECTION TRUST FUND		1,285,197
1737 SPECIAL CATEGORIES HABITAT RESTORATION		
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		200,000
1738 SPECIAL CATEGORIES U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT		
FROM GRANTS AND DONATIONS TRUST FUND . . .		78,500
FROM WATER QUALITY ASSURANCE TRUST FUND .		214,897
1739 SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP		
FROM INLAND PROTECTION TRUST FUND		300,000
1740 SPECIAL CATEGORIES WATER WELL CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,581,061
1740A SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH		
FROM WATER QUALITY ASSURANCE TRUST FUND .		450,000
1740B SPECIAL CATEGORIES TRANSFER TO ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND - WATER PROJECTS		
FROM GENERAL REVENUE FUND	79,838,470	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		6,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . .		2,800,000
1740C SPECIAL CATEGORIES TRANSFER INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - FLORIDA LAKEWATCH/ PROJECT COAST		
FROM WATER QUALITY ASSURANCE TRUST FUND .		400,000

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1741 SPECIAL CATEGORIES
WETLANDS PROTECTION

FROM GENERAL REVENUE FUND	100,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		284,459
FROM WATER QUALITY ASSURANCE TRUST FUND .		750,000

Funds in Specific Appropriation 1741 include $100,000 in nonrecurring General Revenue for the Wetlands Learning Lab Demonstration Project at the IGFA Fishing Hall of Fame and Museum in Broward County.

1742 SPECIAL CATEGORIES
TRANSFER TO SAVE OUR EVERGLADES TRUST FUND
FROM FLORIDA PRESERVATION 2000 TRUST FUND 75,000,000

Funds provided in Specific Appropriation 1742 shall be derived from the Comptroller's cash balance of the Florida Preservation 2000 Trust Fund as of July 1, 2001. The funds needed to complete the signed contracts or execute the options for purchases under the Florida Preservation 2000 program entered into by June 30, 2001, shall be taken from the cash balance of the Florida Forever Trust Fund on July 1, 2001. The remaining funds in the Florida Forever Trust Fund shall be distributed in accordance with s. 259.105, Florida Statutes.

1742A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

FROM GENERAL REVENUE FUND	55,092	
FROM GRANTS AND DONATIONS TRUST FUND . . .		128,447
FROM PERMIT FEE TRUST FUND		628,604
FROM WATER QUALITY ASSURANCE TRUST FUND .		816,306

1744 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 10,000,000

1745 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS

FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000,000
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,800,000

1746 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN

FROM GENERAL REVENUE FUND	5,000,000	
FROM DRINKING WATER REVOLVING LOAN TRUST FUND		32,000,000

1747 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION

FROM GENERAL REVENUE FUND	8,500,000	
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . .		125,250,000

1747A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOUTH FLORIDA STORM WATER/FLOOD MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000,000

Funds provided in Specific Appropriation 1747A are provided to the South Florida Water Management District for storm water/flood mitigation projects in the counties of Palm Beach, Broward and Miami-Dade. The district shall develop a plan for this program in the tri-county area, with an emphasis on projects in areas which have suffered severe flood damage during recent hurricanes and tropical storms.

These funds reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7), Florida Statutes.

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The Legislature finds that storm water and flood control is an integral component both of potential losses in the event of a hurricane and protecting local infrastructure from potential damage from a hurricane.

1748 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
STATEWIDE RESTORATION PROJECTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 88,638,470

From the funds in Specific Appropriation 1748, the following Water Projects are appropriated:

Airport Industrial Park Wastewater & Conveyance System--St. Lucie	100,000
Apalachicola River & Bay Restoration	970,000
Astor/Astor Park Wastewater Facility-- Lake County	1,000,000
Bayside Water Treatment Plant--Brevard	75,000
Big Coppitt Wastewater Collection--Monroe	100,000
Big Escambia Creek Restoration-- Escambia	300,000
Big Tree Stormwater Treatment Facility-- Volusia	300,000
Biscayne Bay Restoration	6,000,000
Brooksville Citywide Sewer System Rehabilitation--Hernando	500,000
Carrabelle Wastewater Improvements--Franklin	1,050,000
Chassahowitzka Wastewater Collection System	1,000,000
Chipley Domestic Wastewater Treatment Plant & Disposal--Washington	1,000,000
Choctawhatchee River/Bay	750,000
City of Blountstown Sewer Expansion Upgrade--Calhoun	750,000
City of Chattahoochee Wastewater Treatment Facility Improvement Program--Gadsden	150,000
City of Clearwater Stevenson Creek Estuary	1,000,000
City of Opa-locka Canal Cleaning-- Dade	350,000
City of South Daytona - Nova/Reed Canal Basin Stormwater Facility--Volusia	400,000
City of West Miami Wastewater Collection System	1,000,000
Curiosity Creek, Sulphur Springs Sinks Restoration Project--Hillsborough	500,000
East Miramar Master Drainage Study--Broward	300,000
East Palatka Regional Wastewater System--Putnam	550,000
East Pass - Restoration, Bay County	500,000
Eglin Parkway (SR 85) Stormwater Improvements	40,000
Eliminating Sewage Overflow to the Lake Worth Lagoon	1,000,000
Emergency Generator Winson Water Plant--Dade	200,000
Escambia County Utility Authority Pipeline - planning funds	1,000,000
Four 4 Corners Drainage Improvements	500,000
Funding for Non-Functional Septic Tanks (Anastasia Island)	800,000
Funding for Non-Functional Septic Tanks (Ponte Vedra)	800,000
Gator Slough Watershed Enhancement and Management-- Lee	1,000,000
Glades County Wastewater Improvements	800,000
Graceville Wastewater Collection Improvements--Jackson	1,155,000
Gravity Sewer System Improvements	400,000
Hardee County Wastewater System	1,400,000
High Springs WasteWater--Alachua	750,000
Highland Village Stormwater System Improvement	300,000
Holloway Irrigation System	500,000
Homossassa Water Collection System, Phase III--Citrus	750,000
Human and Animal Health & Effects from Persistent Toxic Algae Blooms in the Harris Chain of Lakes	145,000
Implementation of BMP's for water conservation at USF Golf Course	500,000
Indian River Lagoon Initiative--Brevard, Indian River	4,000,000
Islamorada Canal Improvement Master Plan Implementation--Monroe	40,000
Lake Okeechobee Restoration Project--Palm Beach	10,000,000
Lake Okeechobee Wastewater Trust	1,300,000
Lake Panasoffkee Restoration	1,000,000
Lake Trafford Restoration	1,400,000
Loxahatchee River Preservation Initiative	1,000,000
Miami River Commission Operational Funding--Dade	150,000
Miami River Dredging Project--Dade	2,225,000
Middle St. Johns River Basin Initiative, FY 2001-2002	6,000,000
Modernizing Governance of Water Management--Broward County	100,000
Monroe County Stormwater Improvement Project	500,000

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Moore Haven, Ranch Lakes Estates, Stormwater	200,000
North LaBelle Water and Sewer Improvements--Hendry	200,000
North Palm Beach County Water Management Plan Implementation	1,000,000
NW 6th Street Stormwater Drainage Project--Citrus	100,000
Pahokee Wastewater Improvements--Palm Beach	500,000
Pasco County Purchase of Utility-wastewater	2,500,000
Pembroke Park Wastewater Improvements--Broward	250,000
Pensacola Bay System	1,130,000
Perry Wastewater Improvements--Taylor	250,000
Phillippi Creek Septic Tank Replacement Project--Sarasota	500,000
Potable Water Improvements--Madison	100,000
Reclaimed Water System Expansion for the City of Fort Myers	200,000
River Oaks Drainage Study--Broward	100,000
Rural/Urban Stormwater Treatment Program--Palm Beach	200,000
Seawall Replacement/Lake Monroe/Sanford	3,000,000
Septic Tank Impacts in the Coastal Zone--Escambia	80,000
South Walton County Sewer Improvements	1,500,000
SRWMD--Alligator Lake Restoration Monitoring	15,000
SRWMD--Alligator Lake Stormwater Restoration	1,150,000
SRWMD--Dairy BMP Implementation	800,000
SRWMD--Farm Planning-Water Quality Based Practices (BMP)	300,000
SRWMD--Middle Suwanee BMP monitoring	59,000
SRWMD--Restoration of Little River, Hart, Charles & Guaronto Springs	1,100,000
SRWMD--Rum Island Spring Restoration	100,000
St. Andrews Bay Strategic Management Plan	300,000
St. Johns Lower Basin	1,500,000
St. Lucie River Issue Team--Palm Beach	2,000,000
Stone Island Central Sewer System Expansion--Volusia	879,570
Storm Water/Wastewater Modeling--Broward	149,500
Stormwater retrofitting on Harris Chain of Lakes	500,000
Subsection 7 Sewer Replacement & Rehab--Osceola Co	500,000
Surface Water Restoration of Lake Worth Lagoon--Palm Beach	1,500,000
Unit 6 Septic tank Elimination--City of Palm Bay--Brevard	750,000
Upper Lake Tohopekaliga Restoration--Osceola	2,000,000
Wares Creek Maintenance/Navigation Dredging	1,500,000
Wastewater System Improvements Program--City of Madison	600,000
Wastewater Treatment Facility--Callahan--Nassau	1,000,000
Water Quality Analysis, Lemon Bay--Charlotte	75,000
Water Quality and Fire Hydrant/GPS Project--Broward	100,400
Weeki Wachee River Restoration	100,000
Welaka Waste Water	200,000
West St. Augustine Stormwater and Sewer Renovation	250,000
Winsberg Farm Wetland Restoration--Palm Beach	750,000
Zolfo Springs Wastewater System Improvement--Hardee	250,000

From the $145,000 provided in Specific Appropriation 1748 for Algae Blooms in the Harris Chain of Lakes, $45,000 shall be provided to the St. Johns River Water Management District for paying administrative, per diem, and travel expenses of the Harris Chain of Lakes Restoration Council and $100,000 shall be provided to the Fish and Wildlife Conservation Commission to conduct a demonstration restoration project on the Harris Chain of Lakes.

1749 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EVERGLADES RESTORATION
FROM SAVE OUR EVERGLADES TRUST FUND . . . 50,000,000

1749A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY OUTER CONTINENTAL SHELF GRANT
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,000,000

Funds are provided in Specific Appropriation 1749A from the Outer Continental Shelf Grants as follows:

Lower St. Johns River	4,500,000
Charlotte Harbor	50,000
Sarasota Bay	100,000

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Tampa Bay Restoration	2,500,000
St. Lucie River Initiative	2,000,000
Biscayne Bay Cleanup	100,000
Miami-Dade County's Watershed Planning Project	750,000
Oceans Economic Impact Study	1,000,000
Grants to Counties	6,000,000

1750 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 96,102,961
FROM TRUST FUNDS 480,853,878

TOTAL POSITIONS 274
TOTAL ALL FUNDS 576,956,839

WATER SUPPLY

From the funds in Specific Appropriations 1718 through 1755, the Water Resource Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of public water systems with no significant public health-based drinking water quality problems	93.5%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1751 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 698,419
FROM GRANTS AND DONATIONS TRUST FUND . . . 63,264

1752 EXPENSES
FROM GENERAL REVENUE FUND 223,843
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,485

1753 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 329,977

1754 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,044,926

1755 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

1755A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY POTABLE WATER RESOURCE STUDY - OKALOOSA COUNTY
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 1755A, are provided for alternative water supplies and water resource development in Okaloosa County by the Northwest Florida Water Management District.

1755B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY

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APPROPRIATION

OTIMIZATION OF RECLAIMED WATER TO MEET
FUTURE NEEDS
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 1755B are provided to the City of Tampa Sewer Department.

1755C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RECLAIMED WATER REUSE SYSTEM EXPANSION
FROM GENERAL REVENUE FUND 184,135

TOTAL: WATER SUPPLY
FROM GENERAL REVENUE FUND 3,378,300
FROM TRUST FUNDS 81,749

TOTAL POSITIONS 14
TOTAL ALL FUNDS 3,460,049

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

1756 SALARIES AND BENEFITS POSITIONS 104
FROM GENERAL REVENUE FUND 75,797
FROM INLAND PROTECTION TRUST FUND 3,489,849
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,407
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,157,852

1758 EXPENSES
FROM GENERAL REVENUE FUND 5,351
FROM INLAND PROTECTION TRUST FUND 492,105
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 4,264
FROM WATER QUALITY ASSURANCE TRUST FUND . 148,083

1759 AID TO LOCAL GOVERNMENTS
PETROLEUM TANKS CLEANUP - ADVANCE WORKING
CAPITAL
FROM INLAND PROTECTION TRUST FUND 1,845,397

1760 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 39,716
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,751
FROM WATER QUALITY ASSURANCE TRUST FUND . 14,710

1761 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,883

1762 SPECIAL CATEGORIES
PAYMENT OF SETTLEMENT AGREEMENT - TOWER
INCORPORATED
FROM INLAND PROTECTION TRUST FUND 1,600,000

1763 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,367,417

1764 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND 50,955,767

1765 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,398,214

1766 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 21,547
FROM WATER QUALITY ASSURANCE TRUST FUND . 8,355

1766A SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR

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SPECIFIC
APPROPRIATION

IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1767 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 19,575,570
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,381,866

1767A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 204,605

1769 FIXED CAPITAL OUTLAY
CLEANUP OF STATE OWNED LANDS
FROM INLAND PROTECTION TRUST FUND 2,000,000

1770 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1771 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 108,734,608

TOTAL: WASTE CLEANUP
FROM GENERAL REVENUE FUND 81,148
FROM TRUST FUNDS 210,927,058

TOTAL POSITIONS 104
TOTAL ALL FUNDS 211,008,206

WASTE CONTROL

From the funds in Specific Appropriations 1756 through 1792, the Waste Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Cumulative percent of contaminated program sites with cleanup completed	19%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1772 SALARIES AND BENEFITS POSITIONS 158
FROM INLAND PROTECTION TRUST FUND 1,125,002
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,803,562
FROM PERMIT FEE TRUST FUND 40,895
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,137,088
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,405,583

1773 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,562
FROM INLAND PROTECTION TRUST FUND 23,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 434,742
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 149,982
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1774 EXPENSES
FROM INLAND PROTECTION TRUST FUND 165,198
FROM GRANTS AND DONATIONS TRUST FUND . . . 628,826
FROM PERMIT FEE TRUST FUND 6,712
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 362,446
FROM WATER QUALITY ASSURANCE TRUST FUND . 447,664

1775 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE

SECTION 5
SPECIFIC
APPROPRIATION

INFORMATION EXCHANGE CLEARING HOUSE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1776 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - OPERATION CLEAN SWEEP
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1778 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 599,994

1779 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 13,238
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 57,041
FROM WATER QUALITY ASSURANCE TRUST FUND . 44,082

1780 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 9,128

1781 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 9,500,000

1781A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 400,000

1781B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1782 SPECIAL CATEGORIES
DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1783 SPECIAL CATEGORIES
FEDERAL WASTE PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 483,500

1784 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,999,847

1785 SPECIAL CATEGORIES
HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 800,000

1785A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/ RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1786 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 199,880

1786A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1787 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 7,306
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 14,577
FROM WATER QUALITY ASSURANCE TRUST FUND . 26,765

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1787A SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1787B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1787C SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 139,135

1787D SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1787E DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 300,687
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 583,590

1789 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 5,835,707

1790 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
COMPOST AND LANDFILL RESEARCH AND DESIGN
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,000,000

1790A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA ORGANICS RECYCLING CENTER OF EXCELLENCE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,000,000

1791 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CHROMATED COPPER ARSENATE (CCA) TREATED LUMBER
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 50,000

1792 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RECYCLE LEAD ACID PRODUCTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 400,000

TOTAL: WASTE CONTROL
FROM GENERAL REVENUE FUND 23,562
FROM TRUST FUNDS 38,026,555

TOTAL POSITIONS 158
TOTAL ALL FUNDS 38,050,117

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

1793 SALARIES AND BENEFITS POSITIONS 23
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 25,227
FROM LAND ACQUISITION TRUST FUND 1,024,802

1794 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 1,109,600

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APPROPRIATION

1795 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,417
FROM GRANTS AND DONATIONS TRUST FUND . . . 112,895
FROM LAND ACQUISITION TRUST FUND 639,535

1796 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND 25,000

1796A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 34,039

1797 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 1,221,414

1798 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 88,721

1799 SPECIAL CATEGORIES
GREENWAYS CARL MANAGEMENT FUNDING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 99,899

1800 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 350,000

1801 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1802 FIXED CAPITAL OUTLAY
INVASIVE EXOTICS/GREENWAYS
FROM LAND ACQUISITION TRUST FUND 127,000

1803 FIXED CAPITAL OUTLAY
TRAILS DEVELOPMENT - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 3,100,000

1804A FIXED CAPITAL OUTLAY
REPAIRS AND IMPROVEMENTS - INGLIS MAIN DAM - DMS MGD
FROM LAND ACQUISITION TRUST FUND 500,000

1804B FIXED CAPITAL OUTLAY
FLORIDA KEYS OVERSEAS HERITAGE TRAIL - DMS MGD
FROM LAND ACQUISITION TRUST FUND 1,121,000

1806 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 935,000
FROM LAND ACQUISITION TRUST FUND 25,000

From the funds in Specific Appropriation 1806, $25,000 in the Land Acquisition Trust Fund is for land acquisition along the North Fork of the New River in Broward County

1807 FIXED CAPITAL OUTLAY
GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,300,000

1808 FIXED CAPITAL OUTLAY
OCKLAWAHA RIVER RESTORATION
FROM LAND ACQUISITION TRUST FUND 800,000

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Funds provided in Specific Appropriation 1808 for the Ocklawaha River Restoration are contingent upon Senate Bill 1246 or similar legislation becoming law.

1809 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
NATIONAL RECREATIONAL TRAIL GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,800,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 28,943,549

TOTAL POSITIONS 23
TOTAL ALL FUNDS 28,943,549

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

1810 SALARIES AND BENEFITS POSITIONS 7
FROM LAND ACQUISITION TRUST FUND 296,765

1811 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 50,000

1812 EXPENSES
FROM LAND ACQUISITION TRUST FUND 33,227

1813 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,819,272

1814 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM FLORIDA FOREVER TRUST FUND 6,000,000
FROM LAND ACQUISITION TRUST FUND 21,066,452

1814A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BENNY RUSSEL PARK
FROM LAND ACQUISITION TRUST FUND 200,000

1814B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RODMAN PARK
FROM LAND ACQUISITION TRUST FUND 300,000

1814C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WALTON COUNTY GEOPARK BIKE TRAIL
FROM LAND ACQUISITION TRUST FUND 1,900,000

1814D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SISTER CREEK PARK
FROM LAND ACQUISITION TRUST FUND 1,500,000

1814E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL PARKS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,700,000

Funds in Specific Appropriation 1814E are provided for the following public recreation grants:

Carpenter Sand Pine Preserve--Broward..... 300,000
Florida Oceanographic Society--Martin..... 400,000
Heritage Park Foundation in Pasco County..... 100,000
Phase Four/Upper Tampa Bay Trail..... 100,000
Jupiter Riverwalk--Palm Beach..... 200,000
Legion Waterfront Park--Dade..... 600,000

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TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM TRUST FUNDS 36,865,716

TOTAL POSITIONS 7
TOTAL ALL FUNDS 36,865,716

STATE PARK OPERATIONS

1815 SALARIES AND BENEFITS POSITIONS 1,051
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 2,490,628
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,389
FROM STATE PARK TRUST FUND 33,487,059

1816 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 56,200
FROM STATE PARK TRUST FUND 3,874,575

From funds provided in Specific Appropriation 1816 from the State Park Trust Fund, up to $80,000 shall be used to conduct a cost benefit analysis of outsourcing certain maintenance and operating cost related to the Florida Park System to the private sector. The department shall submit a report on the study to the Legislature and to the Executive Office of the Governor no later than December 1, 2001.

1817 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,294,779
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,960
FROM STATE PARK TRUST FUND 12,144,695

1818 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 207,150
FROM STATE PARK TRUST FUND 500,335

1819 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE PARK TRUST FUND 747,224

1819A SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF COMMUNITY
AFFAIRS - FLORIDA COMMUNITIES TRUST
FROM LAND ACQUISITION TRUST FUND 1,148,854

1820 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 550,000

1821 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 310,000
FROM STATE PARK TRUST FUND 250,000

1821A SPECIAL CATEGORIES
AMERICORPS PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 850,000

1822 SPECIAL CATEGORIES
OUTSOURCING/PRIVATIZATION
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,700,000

1822A SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 300,000

1823 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,096,420

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1824 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PARK TRUST FUND 1,148,525

1825 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 850,000

1826 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE PARK TRUST FUND 150,000

1826A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM STATE PARK TRUST FUND 1,510,004

1828 FIXED CAPITAL OUTLAY
HISTORIC STRUCTURE RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 1,000,000

1829 FIXED CAPITAL OUTLAY
STATEWIDE CAMPGROUND REPAIRS/RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 500,000

1830 FIXED CAPITAL OUTLAY
ANASTASIA STATE RECREATION AREA - PARK
DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 375,000

1831 FIXED CAPITAL OUTLAY
RESOURCE RESTORATION
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,000,000

1833 FIXED CAPITAL OUTLAY
ST. ANDREWS STATE RECREATIONAL AREA
DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 945,000

1834 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 4,000,000

1835 FIXED CAPITAL OUTLAY
GAMBLE PLANTATION - RENOVATION - DMS MGD
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 100,000

1836 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1837 FIXED CAPITAL OUTLAY
DEVELOPMENT OF STATE PARKS - STATEWIDE -
BASIC AMENITIES
FROM LAND ACQUISITION TRUST FUND 400,000

1838 FIXED CAPITAL OUTLAY
ALAFIA RIVER LONESOME MINE - RECREATIONAL
DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 518,000

1839 FIXED CAPITAL OUTLAY
PREVENTATIVE MAINTENANCE AND REPAIRS -
STATE PARKS
FROM LAND ACQUISITION TRUST FUND 500,000

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1840 FIXED CAPITAL OUTLAY
LAKE LOUISA STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 610,000

1841 FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 100,000

1842 FIXED CAPITAL OUTLAY
ANCLOTE KEY STATE PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 370,500

1843 FIXED CAPITAL OUTLAY
SILVER RIVER PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 939,600

1844 FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1845 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,000,000

1846 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

1847 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 4,000,000

1848 FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM -
STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1849 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,257,467

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 119,941,364

TOTAL POSITIONS 1,051
TOTAL ALL FUNDS 119,941,364

COASTAL AND AQUATIC MANAGED AREAS

From the funds in Specific Appropriations 1793 through 1861, the Recreation and Parks Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Attendance at state parks	17,000,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1850 SALARIES AND BENEFITS POSITIONS 100
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,077,387
FROM GRANTS AND DONATIONS TRUST FUND . . . 827,045
FROM LAND ACQUISITION TRUST FUND 2,137,395

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APPROPRIATION

1851 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 936,106
FROM LAND ACQUISITION TRUST FUND 250,000

1852 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 793,254
FROM LAND ACQUISITION TRUST FUND 397,168

1853 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 183,538
FROM LAND ACQUISITION TRUST FUND 9,000

1854 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 43,393
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,716

1855 SPECIAL CATEGORIES
SUBMERGED RESOURCE DAMAGED RESTORATIONS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 57,834

1856 SPECIAL CATEGORIES
LITTLE PINE ISLAND MITIGATION BANK
FROM LAND ACQUISITION TRUST FUND 200,000

1856A SPECIAL CATEGORIES
INTERIM MANAGEMENT OF PROPERTIES ACQUIRED
UNDER THE CONSERVATION AND RECREATION
LANDS (C.A.R.L.) PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 60,479

1856B SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,229,507

1857 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 2,114
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,796
FROM LAND ACQUISITION TRUST FUND 6,656

1858 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,313,479

1858A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM GRANTS AND DONATIONS TRUST FUND . . . 982
FROM LAND ACQUISITION TRUST FUND 250,320

1859 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000

1860 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIRS AND CONSTRUCTION -
STATEWIDE
FROM LAND ACQUISITION TRUST FUND 742,857

1861 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,056,000

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APPROPRIATION

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM TRUST FUNDS 14,122,026

TOTAL POSITIONS 100
TOTAL ALL FUNDS 14,122,026

PROGRAM: AIR RESOURCES MANAGEMENT

AIR ASSESSMENT

1862 SALARIES AND BENEFITS POSITIONS 35
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,801,796

1863 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,035,998

1864 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,023,673

1865 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 334,991

1866 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 50,000

1867 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE
REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,997,968

1868 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,479

1868A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 268,210

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 8,517,115

TOTAL POSITIONS 35
TOTAL ALL FUNDS 8,517,115

AIR POLLUTION PREVENTION

1870 SALARIES AND BENEFITS POSITIONS 58
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,923,376

1871 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,622,810

1872 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 690,556

1873 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 98,583

1874 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE
REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,997,968

1875 SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND . . 150,000

1876 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,422

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SPECIFIC
APPROPRIATION

1876A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 963,042

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 11,453,757

TOTAL POSITIONS 58
TOTAL ALL FUNDS 11,453,757

UTILITIES SITING AND COORDINATION

From the funds in Specific Appropriations 1862 through 1879, the Air Resources Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of time that monitored population breathes good or moderate quality air	98.6%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1878 SALARIES AND BENEFITS POSITIONS 6
FROM PERMIT FEE TRUST FUND 334,158

1879 EXPENSES
FROM PERMIT FEE TRUST FUND 45,803

TOTAL: UTILITIES SITING AND COORDINATION
FROM TRUST FUNDS 379,961

TOTAL POSITIONS 6
TOTAL ALL FUNDS 379,961

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

1880 SALARIES AND BENEFITS POSITIONS 66
FROM GENERAL REVENUE FUND 3,021,412
FROM COASTAL PROTECTION TRUST FUND 633,536

1881 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 210,000

1882 EXPENSES
FROM GENERAL REVENUE FUND 872,184
FROM COASTAL PROTECTION TRUST FUND 358,229

1883 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 279,571

1884 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL
VEHICLES
FROM COASTAL PROTECTION TRUST FUND 201,350

1884A SPECIAL CATEGORIES
TRANSFER TO THE FISH AND WILDLIFE
CONSERVATION COMMISSION - HARBOR BRANCH
OCEANOGRAPHIC INSTITIUTION
FROM COASTAL PROTECTION TRUST FUND 1,000,000

1884B SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION

SECTION 5
SPECIFIC
APPROPRIATION

	COMMISSION/DERELICT VESSEL REMOVAL - PANAMA CITY		
	FROM COASTAL PROTECTION TRUST FUND		600,000
1884C	SPECIAL CATEGORIES		
	TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR DISTRICT OFFICE IN PENSACOLA		
	FROM COASTAL PROTECTION TRUST FUND		685,695
1885	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	247,846	
	FROM COASTAL PROTECTION TRUST FUND		17,558
1886	SPECIAL CATEGORIES		
	OVERTIME - FLORIDA MARINE PATROL		
	FROM GENERAL REVENUE FUND	50,400	
1887	SPECIAL CATEGORIES		
	OVERTIME		
	FROM COASTAL PROTECTION TRUST FUND		50,400
1888	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM COASTAL PROTECTION TRUST FUND		124,599
1889	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	31,490	
	FROM COASTAL PROTECTION TRUST FUND		21,465
1889A	SPECIAL CATEGORIES		
	TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADDITIONAL LAW ENFORCEMENT ENHANCED MANATEE PROTECTION		
	FROM COASTAL PROTECTION TRUST FUND		1,899,950
1890	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	CLEAN MARINA		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		714,667
1891	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	CLEAN VESSEL		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,100,000
TOTAL:	ENVIRONMENTAL INVESTIGATION		
	FROM GENERAL REVENUE FUND	4,223,332	
	FROM TRUST FUNDS		8,897,020
	TOTAL POSITIONS	66	
	TOTAL ALL FUNDS		13,120,352

PATROL ON STATE LANDS

1892	SALARIES AND BENEFITS POSITIONS	89	
	FROM GENERAL REVENUE FUND	624,549	
	FROM LAND ACQUISITION TRUST FUND		3,795,394
1893	EXPENSES		
	FROM GENERAL REVENUE FUND	54,140	
	FROM LAND ACQUISITION TRUST FUND		143,487
1894	OPERATING CAPITAL OUTLAY		
	FROM COASTAL PROTECTION TRUST FUND		33,133
1895	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM COASTAL PROTECTION TRUST FUND		347,901

SECTION 5
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APPROPRIATION

1896	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	37,258	
	FROM LAND ACQUISITION TRUST FUND		158,680
1897	SPECIAL CATEGORIES		
	OVERTIME - FLORIDA MARINE PATROL		
	FROM GENERAL REVENUE FUND	54,600	
1898	SPECIAL CATEGORIES		
	OVERTIME		
	FROM COASTAL PROTECTION TRUST FUND		54,600
1899	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM LAND ACQUISITION TRUST FUND		152,282
1900	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,000	
	FROM LAND ACQUISITION TRUST FUND		84,612
1900A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	26,122	
	FROM COASTAL PROTECTION TRUST FUND		151,599
TOTAL:	PATROL ON STATE LANDS		
	FROM GENERAL REVENUE FUND	800,669	
	FROM TRUST FUNDS		4,921,688
	TOTAL POSITIONS	89	
	TOTAL ALL FUNDS		5,722,357

EMERGENCY RESPONSE

From the funds in Specific Appropriations 1880 through 1911A, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Criminal incidents per 100,000 state park visitors.....	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1901	SALARIES AND BENEFITS POSITIONS	28	
	FROM COASTAL PROTECTION TRUST FUND		737,964
	FROM INLAND PROTECTION TRUST FUND		415,145
	FROM WATER QUALITY ASSURANCE TRUST FUND .		326,488
1902	OTHER PERSONAL SERVICES		
	FROM COASTAL PROTECTION TRUST FUND		232,000
1903	EXPENSES		
	FROM COASTAL PROTECTION TRUST FUND		149,251
	FROM INLAND PROTECTION TRUST FUND		57,179
	FROM WATER QUALITY ASSURANCE TRUST FUND .		44,796
1904	OPERATING CAPITAL OUTLAY		
	FROM COASTAL PROTECTION TRUST FUND		10,424
1905	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM COASTAL PROTECTION TRUST FUND		88,594

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APPROPRIATION

1906 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,071,027

1907 SPECIAL CATEGORIES
ON-CALL FEES
FROM COASTAL PROTECTION TRUST FUND 140,000

1908 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1909 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

1910 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL PROTECTION TRUST FUND 105,440

1911 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 299,952

1911A SPECIAL CATEGORIES
TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION
FROM COASTAL PROTECTION TRUST FUND 4,628,553

1911B DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM COASTAL PROTECTION TRUST FUND 2,117

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 8,508,930

TOTAL POSITIONS 28
TOTAL ALL FUNDS 8,508,930

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: OFFICE OF THE EXECUTIVE DIRECTOR AND ADMINISTRATIVE SERVICES

STANDARDS AND LICENSURE

1912 SALARIES AND BENEFITS POSITIONS 10
FROM STATE GAME TRUST FUND 377,345

1913 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 85,000

1914 EXPENSES
FROM STATE GAME TRUST FUND 290,234

1915 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 14,000

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 766,579

TOTAL POSITIONS 10
TOTAL ALL FUNDS 766,579

OUTDOOR EDUCATION AND INFORMATION

1917 SALARIES AND BENEFITS POSITIONS 59
FROM GENERAL REVENUE FUND 151,074
FROM NON-GAME WILDLIFE TRUST FUND 366,754
FROM SAVE THE MANATEE TRUST FUND 70,531
FROM STATE GAME TRUST FUND 1,808,546

SECTION 5
SPECIFIC
APPROPRIATION

1918 OTHER PERSONAL SERVICES
FROM NON-GAME WILDLIFE TRUST FUND 61,636
FROM STATE GAME TRUST FUND 157,224

1919 EXPENSES
FROM GENERAL REVENUE FUND 187,796
FROM NON-GAME WILDLIFE TRUST FUND 232,549
FROM SAVE THE MANATEE TRUST FUND 25,600
FROM STATE GAME TRUST FUND 953,361

1920 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,000
FROM NON-GAME WILDLIFE TRUST FUND 22,507
FROM SAVE THE MANATEE TRUST FUND 2,452
FROM STATE GAME TRUST FUND 54,083

1921 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM NON-GAME WILDLIFE TRUST FUND 16,500

1922 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES
FROM SAVE THE MANATEE TRUST FUND 437,000

1923 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,217
FROM NON-GAME WILDLIFE TRUST FUND 5,836
FROM SAVE THE MANATEE TRUST FUND 730
FROM STATE GAME TRUST FUND 16,190

1923A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EMERSON POINT CLASSROOM MANATEE COUNTY
FROM GENERAL REVENUE FUND 600,000

TOTAL: OUTDOOR EDUCATION AND INFORMATION
FROM GENERAL REVENUE FUND 944,087
FROM TRUST FUNDS 4,231,499

TOTAL POSITIONS 59
TOTAL ALL FUNDS 5,175,586

MARINE AND WILDLIFE HABITAT CONSERVATION

1924 SALARIES AND BENEFITS POSITIONS 47
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 226,967
FROM LAND ACQUISITION TRUST FUND 92,199
FROM MARINE RESOURCES CONSERVATION TRUST FUND 142,511
FROM NON-GAME WILDLIFE TRUST FUND 909,564
FROM SAVE THE MANATEE TRUST FUND 743,769
FROM STATE GAME TRUST FUND 9,987
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 99,717

1925 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500
FROM LAND ACQUISITION TRUST FUND 83,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 110,000
FROM NON-GAME WILDLIFE TRUST FUND 11,800
FROM SAVE THE MANATEE TRUST FUND 178,000

1926 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,339
FROM LAND ACQUISITION TRUST FUND 83,486
FROM MARINE RESOURCES CONSERVATION TRUST FUND 40,632

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APPROPRIATION

FROM NON-GAME WILDLIFE TRUST FUND		338,826
FROM SAVE THE MANATEE TRUST FUND		332,474
FROM STATE GAME TRUST FUND		52,571
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		9,891
1927 AID TO LOCAL GOVERNMENTS		
MANATEE PROTECTION PLANNING GRANTS		
FROM SAVE THE MANATEE TRUST FUND		241,371
1928 OPERATING CAPITAL OUTLAY		
FROM LAND ACQUISITION TRUST FUND		202,900
FROM MARINE RESOURCES CONSERVATION TRUST FUND		10,000
FROM SAVE THE MANATEE TRUST FUND		13,800
1929 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM NON-GAME WILDLIFE TRUST FUND		22,659
1930 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		28,468
1930A SPECIAL CATEGORIES		
MARINE RESEARCH GRANTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		27,500
1931 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM LAND ACQUISITION TRUST FUND		829
FROM MARINE RESOURCES CONSERVATION TRUST FUND		730
FROM NON-GAME WILDLIFE TRUST FUND		6,688
FROM SAVE THE MANATEE TRUST FUND		4,580
FROM STATE GAME TRUST FUND		6,269
1932 SPECIAL CATEGORIES		
MARINE TURTLE GRANTS PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		300,000
1933 FIXED CAPITAL OUTLAY		
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE		
FROM FLORIDA FOREVER PROGRAM TRUST FUND		4,500,000
1934 FIXED CAPITAL OUTLAY		
MITIGATION PARK LAND ACQUISITION		
FROM LAND ACQUISITION TRUST FUND		1,750,000
TOTAL: MARINE AND WILDLIFE HABITAT CONSERVATION		
FROM TRUST FUNDS		10,584,027
TOTAL POSITIONS	47	
TOTAL ALL FUNDS		10,584,027

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1935 SALARIES AND BENEFITS POSITIONS	136	
FROM GENERAL REVENUE FUND	1,781,806	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		18,850
FROM MARINE RESOURCES CONSERVATION TRUST FUND		477,774
FROM NON-GAME WILDLIFE TRUST FUND		140,328
FROM STATE GAME TRUST FUND		3,659,944
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		173,907

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SPECIFIC
APPROPRIATION

1936 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,000	
FROM STATE GAME TRUST FUND		201,195
1937 EXPENSES		
FROM GENERAL REVENUE FUND	141,150	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		685
FROM MARINE RESOURCES CONSERVATION TRUST FUND		183,072
FROM NON-GAME WILDLIFE TRUST FUND		16,803
FROM STATE GAME TRUST FUND		1,435,727
1938 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	20,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,400
FROM STATE GAME TRUST FUND		4,600
1939 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM STATE GAME TRUST FUND		178,580
1940 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		40,424
1941 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	1,807	
1941A SPECIAL CATEGORIES		
PAYMENT OF REWARDS		
FROM NON-GAME WILDLIFE TRUST FUND		5,000
1942 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,601	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,948
FROM NON-GAME WILDLIFE TRUST FUND		487
FROM STATE GAME TRUST FUND		29,610
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		974
1942A SPECIAL CATEGORIES		
TRANSFER TO STATE GAME TRUST FUND		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		188,454
FROM NON-GAME WILDLIFE TRUST FUND		348,227
1943 SPECIAL CATEGORIES		
INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION		
FROM GENERAL REVENUE FUND	295,791	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,393,335
FROM STATE GAME TRUST FUND		1,303,874
1944 DATA PROCESSING SERVICES		
STATE TECHNOLOGY OFFICE		
FROM STATE GAME TRUST FUND		45,898
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,266,155	
FROM TRUST FUNDS		9,858,096
TOTAL POSITIONS	136	
TOTAL ALL FUNDS		12,124,251

SECTION 5
SPECIFIC
APPROPRIATION
PROGRAM: LAW ENFORCEMENT

From the funds in Specific Appropriations 1945 through 1960B, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of recreational boating injuries	450

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT

1945	SALARIES AND BENEFITS POSITIONS 855		
	FROM GENERAL REVENUE FUND	33,931,427	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,085,993
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		7,419,213
	FROM NON-GAME WILDLIFE TRUST FUND		76,508
	FROM STATE GAME TRUST FUND		771,305
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,101,137
1946	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,210	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		103,500
	FROM STATE GAME TRUST FUND		164,500
1947	EXPENSES		
	FROM GENERAL REVENUE FUND	2,032,793	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		59,200
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		754,361
	FROM STATE GAME TRUST FUND		96,978
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		10,000
1948	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		866,311
1949	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		183,386
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1950	LUMP SUM		
	MARINE PATROL - TALLAHASSEE OFFICE POSITIONS 1		
1950A	LUMP SUM		
	ADDITIONAL LAW ENFORCEMENT OFFICERS FOR ENHANCED MANATEE PROTECTION POSITIONS 25		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,889,950
1951	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	554,926	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		45,510
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,570,915
	FROM STATE GAME TRUST FUND		572,621
1952	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		141,500
	FROM STATE GAME TRUST FUND		141,500
1953	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		271,880
1954	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	1,552,868	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		158,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,455,203
	FROM STATE GAME TRUST FUND		629,783
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		150,000
1955	SPECIAL CATEGORIES		
	OVERTIME - FLORIDA MARINE PATROL		
	FROM GENERAL REVENUE FUND	315,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		315,000
1956	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	700,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,300,000
1957	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	255,713	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		5,686
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		243,014
	FROM NON-GAME WILDLIFE TRUST FUND		1,090
	FROM STATE GAME TRUST FUND		9,426
1958	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	380,323	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		7,800
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		118,505
	FROM STATE GAME TRUST FUND		54,420
1959	SPECIAL CATEGORIES		
	DERELICT VESSEL REMOVAL PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		250,000
1960	SPECIAL CATEGORIES		
	BOATING SAFETY EDUCATION PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,000
1960A	FIXED CAPITAL OUTLAY		
	CONSTRUCTION - DISTRICT OFFICE - PENSACOLA		

SECTION 5
SPECIFIC
APPROPRIATION

- DMS MGD
FROM MARINE RESOURCES CONSERVATION TRUST FUND 685,695

1960B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DERELICIT VESSEL REMOVAL - PANAMA CITY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 600,000

TOTAL: WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT
FROM GENERAL REVENUE FUND 41,827,260
FROM TRUST FUNDS 24,959,890

TOTAL POSITIONS 881
TOTAL ALL FUNDS 66,787,150

PROGRAM: WILDLIFE

From the funds in Specific Appropriations 1961 through 1976A, the Wildlife Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
The percent of wildlife species whose biological status is stable or improving.....	71.5%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE MANAGEMENT

1961 SALARIES AND BENEFITS POSITIONS 252
FROM GENERAL REVENUE FUND 144,575
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 887,822
FROM NON-GAME WILDLIFE TRUST FUND 1,618,807
FROM STATE GAME TRUST FUND 4,360,746
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,718,043

1962 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 198,961
FROM NON-GAME WILDLIFE TRUST FUND 927,449
FROM STATE GAME TRUST FUND 355,965
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 207,808

1963 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 285,409
FROM NON-GAME WILDLIFE TRUST FUND 786,986
FROM STATE GAME TRUST FUND 1,235,033
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,154,518

1964 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 2,500
FROM NON-GAME WILDLIFE TRUST FUND 39,620
FROM STATE GAME TRUST FUND 56,635
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 25,000

1965 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 46,200
FROM NON-GAME WILDLIFE TRUST FUND 68,646
FROM STATE GAME TRUST FUND 699,646

1967 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,271,880

1967A SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 3,678,608

1968 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6
FROM NON-GAME WILDLIFE TRUST FUND 136,363

1968A SPECIAL CATEGORIES
SAWGRASS ENVIRONMENTAL EDUCATION
FROM NON-GAME WILDLIFE TRUST FUND 75,000

1969 SPECIAL CATEGORIES
LAND MANAGEMENT/SAVE OUR RIVERS
FROM STATE GAME TRUST FUND 160,137

1970 SPECIAL CATEGORIES
MANAGEMENT AREA LEASE PAYMENTS
FROM STATE GAME TRUST FUND 585,404

1970A SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,272

1970B SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 100,000

1970C SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1971 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,360
FROM NON-GAME WILDLIFE TRUST FUND 15,179
FROM STATE GAME TRUST FUND 60,004
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 36,882

1972 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 550,000

1973 SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM STATE GAME TRUST FUND 199,653

1974 SPECIAL CATEGORIES
WILD TURKEY PROJECTS
FROM STATE GAME TRUST FUND 100,000

1974A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM STATE GAME TRUST FUND 11,291

1976 FIXED CAPITAL OUTLAY
EQUIPMENT STORAGE FACILITY -

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CHASSAHOWITZKA WILDLIFE MANAGEMENT AREA - DMS MGD
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 295,423

1976A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WILDLIFE HOSPITAL- WILDLIFE SANCTUARY OF NORTHWEST FLORIDA
FROM NON-GAME WILDLIFE TRUST FUND 53,000

TOTAL: WILDLIFE MANAGEMENT
FROM GENERAL REVENUE FUND 144,575
FROM TRUST FUNDS 26,163,250

TOTAL POSITIONS 252
TOTAL ALL FUNDS 26,307,825

PROGRAM: FRESHWATER FISHERIES

From the funds in Specific Appropriations 1977 through 1988D, the Freshwater Fisheries Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of water body acres managed to improve fishing...	1,595,940

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FRESHWATER FISHERIES MANAGEMENT

1977 SALARIES AND BENEFITS POSITIONS 166
FROM GENERAL REVENUE FUND 72,147
FROM MARINE RESOURCES CONSERVATION TRUST FUND 132,507
FROM STATE GAME TRUST FUND 7,115,768
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 102,791

1978 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 180,000

1979 EXPENSES
FROM STATE GAME TRUST FUND 1,601,691
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 20,000

1980 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 169,500
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 25,000

1981 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE GAME TRUST FUND 368,110

1982 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 167,704

1983 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 68,635

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1984 SPECIAL CATEGORIES
BOATING RELATED ACTIVITIES
FROM STATE GAME TRUST FUND 1,250,000

1985 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 7,333,454

1986 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 331,878
FROM STATE GAME TRUST FUND 175,000

1987 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 77,575
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 288

1988 SPECIAL CATEGORIES
FRESHWATER FISHING PIERS
FROM STATE GAME TRUST FUND 68,000

1988A FIXED CAPITAL OUTLAY
FISH HATCHERY AT RODMAN DAM
FROM GENERAL REVENUE FUND 800,000

1988B FIXED CAPITAL OUTLAY
RODMAN - BOAT RAMP AND PARKING
FROM GENERAL REVENUE FUND 500,000

1988C FIXED CAPITAL OUTLAY
LAKE JESUP 5TH YEAR FUNDING
FROM GENERAL REVENUE FUND 2,910,000

1988D FIXED CAPITAL OUTLAY
IMPROVEMENTS, AQUACULTURE/RICHLOAM FISH HATCHERY
FROM STATE GAME TRUST FUND 185,955

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 4,282,147
FROM TRUST FUNDS 19,373,856

TOTAL POSITIONS 166
TOTAL ALL FUNDS 23,656,003

PROGRAM: MARINE FISHERIES

From the funds in Specific Appropriations 1989 through 1996, the Marine Fisheries Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Artificial reefs monitored and/or created annually....	120
2. Percent of fisheries stocks that are increasing or stable.....	80%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

MARINE FISHERIES MANAGEMENT

1989 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 109,894
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,608,632

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1990	OTHER PERSONAL SERVICES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		96,562
1991	EXPENSES		
	FROM GENERAL REVENUE FUND	7,732	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		934,426
1992	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		846
1993	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		23,100
1993A	SPECIAL CATEGORIES		
	AQUATIC RESOURCES EDUCATION		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		400,000
1993B	SPECIAL CATEGORIES		
	GULF STATES MARINE FISHERIES		
	FROM GENERAL REVENUE FUND	22,500	
1993C	SPECIAL CATEGORIES		
	MARINE RESEARCH GRANTS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		324,319
1994	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	352	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		4,110
1995	FIXED CAPITAL OUTLAY		
	REEF FISH HABITAT ENHANCEMENT		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,000
1996	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		300,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		300,000
TOTAL:	MARINE FISHERIES MANAGEMENT		
	FROM GENERAL REVENUE FUND	140,478	
	FROM TRUST FUNDS		4,541,995
	TOTAL POSITIONS	42	
	TOTAL ALL FUNDS		4,682,473

PROGRAM: FLORIDA MARINE RESEARCH INSTITUTE

From the funds in Specific Appropriations 1997 through 2005C, the Florida Marine Research Institute will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of requests for status of endangered and threatened species completed.....	28,175

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT

1997	SALARIES AND BENEFITS POSITIONS 212		
	FROM GENERAL REVENUE FUND	3,142,389	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,898,216
	FROM SAVE THE MANATEE TRUST FUND		746,142
1998	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		7,307,475
	FROM SAVE THE MANATEE TRUST FUND		735,000

Funds provided in Specific Appropriation 1998 from the Marine Resources Conservation Trust Fund include the following: $350,000 for Stock Enhancement-Mote Marine Laboratory, $125,000 for Shark Sawfish Research-Mote Marine Laboratory, and $1,000,000 for Red Tide Research-Mote Marine Laboratory.

From funds provided in Specific Appropriation 1998 from the Save the Manatee Trust Fund, $325,000 is for Manatee Recovery Research-Mote Marine Laboratory.

From the Marine Resources Conservation Trust Fund included in Specific Appropriation 1998, $1,000,000 is provided to the Florida Marine Research Institute for Red Tide Research.

1999	EXPENSES		
	FROM GENERAL REVENUE FUND	523,617	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,881,066
	FROM SAVE THE MANATEE TRUST FUND		427,167
2000	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		478,920
	FROM SAVE THE MANATEE TRUST FUND		13,000
2001	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	17,859	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		152,701
	FROM SAVE THE MANATEE TRUST FUND		93,225
2002	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		23,000
	FROM SAVE THE MANATEE TRUST FUND		7,000
2002A	SPECIAL CATEGORIES		
	MANATEE RESEARCH - MANATEE AVOIDANCE TECHNOLOGY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000

Funds in Specific Appropriation 2002A are for manatee avoidance technology, specifically detection devices designed to alert manatees to approaching watercraft, and devices that alert watercraft to manatees.

2003	SPECIAL CATEGORIES		
	REEF GROUNDING SETTLEMENT		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		196,912

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2003A SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 10,158,626

2004 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,027
FROM MARINE RESOURCES CONSERVATION TRUST FUND 18,520
FROM SAVE THE MANATEE TRUST FUND 2,364

2005 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,248

2005A SPECIAL CATEGORIES
CHOCTAWHATCHEE BAY STUDY - FISH KILLS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000

2005B FIXED CAPITAL OUTLAY
FLORIDA MARINE RESEARCH INSTITUTE FACILITY REPAIRS AND MAINTENANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 230,400

2005C FIXED CAPITAL OUTLAY
PORT MANATEE FISH HATCHERY - MAINTENANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 150,000

2005D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
HARBOR BRANCH OCEANOGRAPHIC INSTITUTION
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,000,000

TOTAL: MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT
FROM GENERAL REVENUE FUND 3,715,892
FROM TRUST FUNDS 30,920,982

TOTAL POSITIONS 212
TOTAL ALL FUNDS 34,636,874

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 2017 through 2023, 2025 through 2036, 2045 through 2054, 2069 through 2073, and 2085 through 2087, are provided from the named funds to the department to fund the 5 year work program developed pursuant to the provisions of sections 339.135 and 339.153, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION

From funds in Specific Appropriations 2006 through 2037, the Highway and Bridge Construction Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of state highway system pavement meeting department standards	80%
Percent of FDOT-maintained bridges meeting department standards	90%
Number of projects certified ready for construction	87

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2006 SALARIES AND BENEFITS POSITIONS 3,777
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 192,153,686

Funds in Specific Appropriations 2006 through 2100G reflect efficiency and outsourcing reductions of 794 positions and $25,495,237 from the State Transportation Trust Fund. In order to minimize layoffs or program disruptions, the Department may submit a plan to reallocate this reduction throughout the Department pursuant to notice and approval procedures provided in s. 216.177, F.S.

2007 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,112,217

2008 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 16,622,495

2009 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,271,657

2010 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,869,225

2011 SPECIAL CATEGORIES
TRANSFER TO THE STATE TRANSPORTATION TRUST FUND
FROM GENERAL REVENUE FUND 86,428,966

2012 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,070,838

2013 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,210,806

2014 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 7,868

2016 FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 73,200

2017 FIXED CAPITAL OUTLAY
STATE FUNDED INFRASTRUCTURE BANK
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 43,500,000

2018 FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 128,884,863

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2019 FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

2020 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,206,001

2021 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 7,492,207
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 17,746,526
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 1,573,200
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1126,649,922

2022 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 458,546,320

Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county removing road impediments on Lake Bradford Road between the junction of Lake Bradford Road and Orange Avenue and Capitol Circle Southwest.

Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county reverting the name of the Tallahassee Leon County Civic Center back to the Donald L. Tucker Civic Center.

2023 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 4,172,235
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,275,382
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 207,000
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 261,816,024

2024 FIXED CAPITAL OUTLAY
RENOVATION - STATE MATERIALS OFFICE,
GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,643,234

2025 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 39,641,848
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 394,287,650
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 208,017,982

2026 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,163,337

2027 FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 18,784,683
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 432,672,536

2028 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION

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FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 1,558,522
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 191,279,846
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 48,701,061

2029 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 5,622,428
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 47,466,205
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 320,857,614

2030 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 2,627,073
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 86,087,758
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 35,231,274

2031 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,975,067

2032 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 17,000,000

From funds in Specific Appropriations 2032, the Department is authorized, pursuant to Section 338.251, Florida Statutes, to advance up to $1,400,000 to the Santa Rosa Bay Bridge Authority to defray shortages necessary to pay debt service in toll revenues occurring in the Santa Rosa Bay Bridge System, which was created and established pursuant to Section 348.968, Florida Statutes. Such advance shall be made in accordance with the procedures set forth in Rule Chapter 14-88, Florida Administrative Code, and shall be reimbursed within 5 years of the last advance. As a condition of receiving these funds until advances under these provisions are repaid to the Department of Transportation, the Santa Rosa Bay Bridge Authority shall secure the approval of the Secretary of the Department of Transportation for the annual administrative budget and prior to any restructuring of the bonds outstanding for the Garcon Point Bridge.

From funds in Specific Appropriation 2032, up to $5,000,000 shall be advanced to the Tampa-Hillsborough Expressway Authority for funding the advanced right-of-way acquisition in accordance with the provisions of s. 338.251 for the projects authorized under s. 348.565.

2033 FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,402,000

2034 FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000,000

Funds in Specific Appropriation 2034 shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor only if required to fulfill project commitments so as to maximize the amount of interest accruing to the State Transportation Trust Fund.

2035 FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT

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FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 17,453,141
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 9,121,300

2036 FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 3,700,655
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 540,000

2037 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 69,300,000

TOTAL: PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION
FROM GENERAL REVENUE FUND 86,428,966
FROM TRUST FUNDS 4353,096,886

TOTAL POSITIONS 3,777
TOTAL ALL FUNDS 4439,525,852

PROGRAM: PUBLIC TRANSPORTATION

From funds in Specific Appropriations 2038 through 2054, Public Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Transit Ridership Growth Compared to Population growth	1.06

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2038 SALARIES AND BENEFITS POSITIONS 144
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,133,307
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 722,306

2039 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 63,718
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 10,000

2040 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 826,279
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 141,025

2041 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,609

2042 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 514,250

2043 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,185

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2045 FIXED CAPITAL OUTLAY
TRANSPORTATION OUTREACH PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 115,859,919

From the funds in Specific Appropriation 2045, the following Transportation Outreach Program Projects are appropriated:

GOAA Intermodal Transit System	12,500,000
Relocate Panama City Airport	10,000,000
Jaxport Terminal Expansion	2,500,000
Canadian Court Intermodal Center	3,000,000
Treeline Ave. Extension - Lee Co	4,000,000
Metro Parkway Extension (SR 739)	15,000,000
Relocate US 98 in Gulf & Bay	1,450,000
Central Sarasota Pkway Interchange	513,000
Widen John Young Parkway	500,000
SR528 / SR 15 Interchange - Orange	1,800,000
THCEA ITS Selmon Drive ITS	5,000,000
CSX Track between Blount Island and Jax	915,000
CSXT's Hialeah Yard Tracks	2,680,000
CSX Track at Big Bend	1,222,500
CSX Track alignment Bradenton Yard	575,000
Seaport Security	7,000,000
Metromover Realignment - Miami-Dade	480,000
Gulf Coast Parkway Corridor Study	2,000,000
Construct Hook St - Lake County	1,250,000
Widen West SR 50 - Orange Co	2,100,000
City of Deltona Ft. Smith Blvd	63,000
City of Deltona Normandy Blvd	68,850
City of Deltona Courtland Blvd	85,500
CR 769 - Kings Highway - DeSoto	50,000
CR 210/US 1 Intersection St. Johns Co	500,000
Matanzas Wood Overpass - Flagler Co	280,000
Interstate Connector - Alabama to Okaloosa	750,000
ITS System - Bay Co	500,000
Widening of Substandard Roads - Flagler	400,000
Ybor Station Intermodal Facility - Pinellas	500,000
Boulevard 2000-SR40 - Ormond Beach	400,000
Orlando-Sanford Airport	1,000,000
I-65 Hurricane Evacution Study	1,000,000
St. Lucie West/I-95 Interchange Completion	50,000
4 Street Improvements in Daytona Beach	3,700,000
Ship Assembly and New Cruise Terminal	2,000,000
Jet Aircraft Maint. Hanger - Melbourne	500,000
Lynx Operating	1,000,000
Metropolitan Area Mass Transit - Miami-Dade	11,770,000
Trade Corridor Strategy	400,000
Roadway Enhancements - Miami Beach	100,000
US 19 Control Access	1,739,919
Brooksville Downtown Traffic Pattern	1,000,000
East Hillsborough Aviation Improvements	967,150
Osceola Turnpike Access Study	1,000,000
Sligh Ave. Extension/Vandenburg Airport Access	500,000
US 17/92 from Shepard Rd. To Lake Mary Blvd	950,000
US 319 from Four Points to US 98	2,500,000
Relocate U.S. 1 in Palm Beach Co	100,000
State Road 70	7,500,000

For any Transportation Outreach Program project funded in Specific Appropriation 2045 which was approved by the Transportation Outreach Program (TOP) Council on January 8, 2001 and for which funding has been reduced, and any TOP project not in the January 8, 2001 Council approved list but funded in this specific appropriation at a level below that initially applied for, the Department is authorized to negotiate with the recipient to develop a viable project through reducing project scope, providing additional applicant match or any other option agreed to by the applicant and the Department.

Funds in Specific Appropriation 2045 for Florida Seaport Security Improvements are contingent on each port submitting a plan to provide baseline measures and standards data for FY 2001-2002 relating to the effectiveness of security in each port. Plans shall be submitted to the Office of Drug Control in the Executive Office of the Governor and

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should include, but not be limited to, measures which show the level of criminal activity for each port and measures which will provide an indication of the effectiveness of security improvements over time. The Florida Seaport Transportation and Economic Development Council (FSTED), shall assist the Office of Drug Control in its efforts to coordinate, to the extent possible, consistent measures for all ports.

From the funds in Specific Appropriation 2045 for Florida Seaport Security Improvements, $409,406 shall be transferred to FDLE's Operating Budget for the purpose of conducting annual inspections of all seaports as required by law. Further, $1,062,500 shall be transferred to FDLE to purchase livescan equipment for the Ports for purposes of conducting state and national criminal background checks on seaport employee applicants. The remaining $5,528,094 shall be allocated to ports by the Office of Drug Control, in coordination with the Florida Seaport Transportation and Economic Development Council (FSTED). Ports receiving funds shall provide a match based on the original Transportation Outreach Program application but which reflects the revised scope of the project.

Funds provided in Specific Appropriation 2045 for a Trade Corridor Strategy are for the Transportation Outreach Program Advisory Council to conduct a trade corridor strategy and implementation assessment. The scope of the comprehensive assessment will include coordination with all affected stakeholders by region and by trade corridor to conduct a thorough multimodal "needs" assessment to identify near-term, mid-term and long-term prioritized improvements for all modes of transportation with the state's identified corridors and corresponding regions. Order of magnitude costs associated with each multimodal need will be provided to the extent such costs may be determined and estimated. The assessment shall include a discussion of local, state and federal financing methods to implement the recommendation and conclusions put forth. The assessment shall be complete and submitted to the Governor and the Legislature by January 15, 2002.

Funds provided in Specific Appropriation 2045 for Metropolitan Area Mass Transit shall be provided for a bus replacement program in Miami-Dade County to be administered by the Miami-Dade Transit Agency. These funds shall require a non-state match of 40%. Of the funds appropriated, 60% shall be provided for new feeder/circulator buses which travel the main routes. The remaining 40% of the funds shall be provided for an increase or renovation of the existing main bus fleet.

2046A FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

2047 FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 84,313,715

From funds in Specific Appropriation 2047, $500,000 shall be provided to the Office of Drug Control Policy to contract for a study of airport security at Florida's airports. The study shall include an evaluation of drug interdiction capabilities, safety and security levels as well as recommendations for improving these activities at Florida's major airports. The Office of Drug Control Policy may elect to contract or utilize vendors listed through the Department of Management Services approved management consulting services vendors list. While conducting this study, all representatives of the Office of Drug Control Policy shall abide by federal laws, rules, regulations or requirements applicable to airports as well as the provisions of any Bi-Lateral Aviation Agreement between nations involving airports in Florida and any International Compact applicable to an airport being studied. The study shall be completed and submitted to the legislature by February 15, 2002.

2048 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 112,957,305

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2049 FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000,000

2050 FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

2051 FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

From funds in Specific Appropriation 2051, up to $20,000 may be used for a study of the construction of a rail enhancement, cargo handling system located at the Port of Palm Beach which will link the Port of Miami, Port Everglades and the Port of Palm Beach using innovative rail technology. This study would determine whether or not technology allowing for trailers to be removed from the highway system and placed directly on an innovative rail system is an appropriate method of intermodal transportation. The study will also determine if utilizing this new technology will result in a more efficient and cost effective way of transporting goods between the Ports while relieving congestion on our state highway system.

2052 FIXED CAPITAL OUTLAY
RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 51,351,882

From funds in Specific Appropriation 2052, $4,5000,000 is provided for expenses necessary to evaluate and make recommendations on establishing a high speed ground transportation system as required by Article 10, Section 19 of the Florida Constitution.

2053 FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 132,143,202

2054 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 25,440,404

TOTAL: PROGRAM: PUBLIC TRANSPORTATION
FROM TRUST FUNDS 568,507,106

TOTAL POSITIONS 144
TOTAL ALL FUNDS 568,507,106

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

From funds in Specific Appropriations 2055 through 2073, the Highway Operations and Maintenance Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Maintenance condition rating of state highway system as measured against department's maintenance manual standards	80
Percent of commercial vehicles weighed that were over weight Fixed scale weighings	0.3%

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| Portable scale weighings ..... 44% |

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2055 SALARIES AND BENEFITS POSITIONS 3,484
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 137,379,489

2056 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,678,238

2057 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 27,523,284

2058 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,043,188

2059 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,591,275

2060 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,805,000

2061 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 991,247

2061A SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,200,328

2062 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 938,105

2063 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,658,117

2064 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 218,240

2065 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,897,958

2065A SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 615,175

2067 FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 260,000

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2068 FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,394,800

2069 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 196,245,000

From Funds in Specific Appropriation 2069, up to $4,000,000 may be used for contracts with non-profit youth organizations in Florida to do work on the state highway system.

2070 FIXED CAPITAL OUTLAY
CONTRACT MAINTENANCE WITH THE DEPARTMENT
OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,256,000

2071 FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,000,000

From the funds in Specific Appropriation 2071, $150,000 is provided as a performance based grant to fund the State Litter Prevention Program, Keep Florida Beautiful, pursuant to s. 403.4131, F.S, and is contingent upon a like amount being transferred from the Department of Environmental Protection.

From the funds in Specific Appropriation 2071, $850,000 is provided for the local Adopt-A-Highway Florida Certified Keep America Beautiful (KAB) System Grant Program, pursuant to s. 403.4131(5), F.S., is contingent upon a like amount being transferred from the Department of Environmental Protection.

2072 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,030,000

2073 FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,156,889

From funds in Specific Appropriation 2073, $269,047 shall be reimbursed to Miami-Dade County on behalf of the City of Coral Gables for transportation impact fees which were not expended in accordance with Miami-Dade County Roadway Impact Fee Ordinance 88-112. This payment represents the first of two equal payments.

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 455,882,333

TOTAL POSITIONS 3,484
TOTAL ALL FUNDS 455,882,333

PROGRAM: TOLL OPERATIONS

From funds in Specific Appropriations 2074 through 2087, the Toll Operations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	

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Operational cost per toll transaction	< $0.16
Number of toll transactions	529,000,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2074 SALARIES AND BENEFITS POSITIONS 996
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 32,074,174

2075 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,818,923

2076 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,481,013

2077 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 440,466

2078 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,179

2079 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 453,551

2080 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 32,443,263

2080A SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,919,503

2081 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 174,150

2082 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

2083 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,789,450

2084 FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 215,000

2085 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,636,800

2086 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,300,000

2087 FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,840,345

TOTAL: PROGRAM: TOLL OPERATIONS
FROM TRUST FUNDS 110,105,817

TOTAL POSITIONS 996
TOTAL ALL FUNDS 110,105,817

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2088 SALARIES AND BENEFITS POSITIONS 883
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 43,018,755

2089 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,415,010

2090 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,414,181

2091 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 276,646

2092 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 243,569

2093 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,787,810

2094 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 205,464

2095 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 102,731

2096 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,920,373

2097 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,402,482

2097A SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

2097B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

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2099 FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,214,800

2100 FIXED CAPITAL OUTLAY
ADDITION/RENOVATION - DISTRICT OFFICE - MIAMI
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,750,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 80,951,821

TOTAL POSITIONS 883
TOTAL ALL FUNDS 80,951,821

INFORMATION TECHNOLOGY

2100A SALARIES AND BENEFITS POSITIONS 337
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 11,450,647

2100B OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 100,000

2100C EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 22,621,878

2100D OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 5,070,716

2100E SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,925,000

2100F SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 99,228

2100G SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 82,569

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 41,350,038

TOTAL POSITIONS 337
TOTAL ALL FUNDS 41,350,038

TOTAL OF SECTION 5 POSITIONS 19,035

FROM GENERAL REVENUE FUND 442,477,909

FROM TRUST FUNDS 8346,023,603

TOTAL ALL FUNDS 8788,501,512

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The moneys contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Insurance/Treasurer, Department of Labor and Employment Security,

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Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

2102 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 82,840,004
FROM TRUST FUNDS 41,164,115

2103 LUMP SUM
CASUALTY INSURANCE PREMIUM DEFICIT
FROM GENERAL REVENUE FUND 12,400,000
FROM TRUST FUNDS 14,600,000

2104 LUMP SUM
STATE HEALTH INSURANCE TRUST FUND DEFICIENCY
FROM GENERAL REVENUE FUND 39,570,667
FROM TRUST FUNDS 16,444,444

2105 LUMP SUM
EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS
FROM GENERAL REVENUE FUND 1,000,000
FROM TRUST FUNDS 300,000

2106 LUMP SUM
FLORIDA RETIREMENT SYSTEM SURPLUS SAVINGS
FROM GENERAL REVENUE FUND . . . . . -66,000,000
FROM TRUST FUNDS . . . . . -28,300,000

2109 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 182,170

2110 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 223,882

2111 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

2112 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

2113 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

2114 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND
FROM GENERAL REVENUE FUND 5,183,268

Funds in Specific Appropriation 2114 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

2115 SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR TECHNOLOGY REVIEW WORKGROUP
FROM GENERAL REVENUE FUND 677,737

Funds in Specific Appropriation 2115 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting with the Technology Review Workgroup.

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TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 76,732,484
FROM TRUST FUNDS 44,208,559

TOTAL ALL FUNDS 120,941,043

AGENCY FOR WORKFORCE INNOVATION

PROGRAM: WORKFORCE SERVICES

WORKFORCE DEVELOPMENT

From the funds in Specific Appropriations 2116 through 2162A, the Workforce Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of job openings filled	55%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2116 SALARIES AND BENEFITS POSITIONS 1,043
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 44,171,395

2117 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,364,161

2118 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 14,359,153

2119 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,647,483

2120 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 402,502

2121 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 13,354,000

2121A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,371,483
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,371,483

2122 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT BOARDS - FEDERAL WELFARE TO WORK GRANT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 50,756,512

2123 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF TRADE, TOURISM AND ECONOMIC DEVELOPMENT IN THE EXECUTIVE OFFICE OF THE GOVERNOR
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 490,862

2124 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND . . . 2,060,024

2126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 134,676

2127 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - ADULT ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 41,604,521

2128 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - YOUTH ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 41,357,488

2129 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - DISLOCATED WORKER ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 37,376,180

2129A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 3,943,520

2130 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 152,500

TOTAL: WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 1,395,159
FROM TRUST FUNDS 259,546,460

TOTAL POSITIONS 1,043
TOTAL ALL FUNDS 260,941,619

UNEMPLOYMENT COMPENSATION

2132 SALARIES AND BENEFITS POSITIONS 307
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 15,668,887

2133 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 199,751

2134 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,391,003

2135 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 805,945

2136 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 19,852,923

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2137 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 305,865

2137A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,438,374

TOTAL: UNEMPLOYMENT COMPENSATION
FROM TRUST FUNDS 47,662,748

TOTAL POSITIONS 307
TOTAL ALL FUNDS 47,662,748

WELFARE TRANSITION

From the funds in Specific Appropriations 2139 through 2150, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The Secretary or his designee shall certify that controls are in place to insure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

2139 SALARIES AND BENEFITS POSITIONS 26
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,192,776

2140 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 465,313

2141 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 8,266,065

2142 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,424

2143 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,275,000

2145 SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES COALITIONS
ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 163,234,917

From the funds in Specific Appropriation 2145, a minimum of $153,234,917 shall be distributed to Regional Workforce Boards effective July 1, 2001, in accordance with a workload-based formula approved by the Board of Directors of Workforce Florida, Inc.

From the funds in Specific Appropriation 2145, $750,000 from the Employment Security Administration Trust Fund shall be used for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough Counties until bid at the discretion of the local Regional Workforce Board.

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2145A SPECIAL CATEGORIES
G/A WAGES PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 850,000

From the funds appropriated in Specific Appropriation 2145A, $750,000 from the Temporary Assistance for Needy Families (TANF) Block Grant shall be used to support the Home Instruction Program for Pre-School Youngsters (HIPPY) at the University of South Florida and $100,000 from the TANF Block Grant for HIPPY in Desoto County.

2150 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 264,752

TOTAL: WELFARE TRANSITION
FROM TRUST FUNDS 175,575,247

TOTAL POSITIONS 26
TOTAL ALL FUNDS 175,575,247

WORKFORCE INVESTMENT AND ACCOUNTABILITY

2151 SALARIES AND BENEFITS POSITIONS 114
FROM ADMINISTRATIVE TRUST FUND 5,403,804
FROM REVOLVING TRUST FUND 211,200

Specific Appropriations 2151 through 2158 reflect a transfer from the Revolving Trust Fund to the Administrative Trust Fund. The transfer is contingent upon legislation becoming law to create the Administrative Trust Fund in the Agency for Workforce Innovation.

2152 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 772,175

2153 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 5,363,574
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 225,880

2154 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 108,325

2155 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 103,168

2156 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 343,387

2156A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM ADMINISTRATIVE TRUST FUND 446,788

2158 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

TOTAL: WORKFORCE INVESTMENT AND ACCOUNTABILITY
FROM TRUST FUNDS 13,072,078

TOTAL POSITIONS 114
TOTAL ALL FUNDS 13,072,078

WORKFORCE INFORMATION

2159 SALARIES AND BENEFITS POSITIONS 106
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,098,843

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2160 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 490,450

2161 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,849,782

2162 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 286,226

2162A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 289,840

TOTAL: WORKFORCE INFORMATION
FROM TRUST FUNDS 8,015,141

TOTAL POSITIONS 106
TOTAL ALL FUNDS 8,015,141

PROGRAM: WORKFORCE FLORIDA, INC.

From the funds in Specific Appropriations 2169 through 2171, the Workforce Florida, Inc. shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of individuals receiving customized training for new high skill/high wage jobs as a result of the Quick Response Training Program (QRT):	6,000
a) in rural areas	600
b) in Enterprise Zone/distressed inner city areas	1,560
c) in Brownfield areas	300
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2169 SALARIES AND BENEFITS POSITIONS 13
FROM ADMINISTRATIVE TRUST FUND 727,956

Specific Appropriations 2169 and 2170 represent a transfer from the Revolving Trust Fund to the Administrative Trust Fund in the Workforce, Fla, Inc. Program. This transfer is contingent upon legislation becoming law creating the Administrative Trust Fund within the Agency for Workforce Innovation.

2170 SPECIAL CATEGORIES
WORKFORCE FLORIDA INC. OPERATIONS
FROM GENERAL REVENUE FUND 819,136
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,083,184

2171 SPECIAL CATEGORIES
QUICK RESPONSE TRAINING
FROM GENERAL REVENUE FUND 6,000,000

TOTAL: PROGRAM: WORKFORCE FLORIDA, INC.
FROM GENERAL REVENUE FUND 6,819,136
FROM TRUST FUNDS 2,811,140

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TOTAL POSITIONS 13
TOTAL ALL FUNDS 9,630,276

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

PROGRAM: COMPTROLLER AND CABINET AFFAIRS

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2172 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 411,100

2173 EXPENSES
FROM GENERAL REVENUE FUND 101,935

2173A DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 233

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 513,268

TOTAL POSITIONS 5
TOTAL ALL FUNDS 513,268

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

From the funds in Specific Appropriations 2174 through 2194, the Financial Accountability for Public Funds Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of total amount of unclaimed property claims paid compared to total amount in returnable accounts	80%
2. Percent of programs customers who rated service as good or excellent	95%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

2174 SALARIES AND BENEFITS POSITIONS 52
FROM REGULATORY TRUST FUND 1,970,286

2175 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 626,767

2176 EXPENSES
FROM REGULATORY TRUST FUND 1,814,546

2177 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 390,500

2178 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 5,892

2178A DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM REGULATORY TRUST FUND 385,166

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TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 5,193,157

TOTAL POSITIONS 52
TOTAL ALL FUNDS 5,193,157

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

2179 SALARIES AND BENEFITS POSITIONS 155
FROM GENERAL REVENUE FUND 7,086,728
FROM ADMINISTRATIVE TRUST FUND 119,106
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 189,323

2180 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 164,000

2181 EXPENSES
FROM GENERAL REVENUE FUND 1,410,578
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,345

2182 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 37,000

2182A SPECIAL CATEGORIES
GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE
FROM GENERAL REVENUE FUND 500,000

2183 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSEL CONFLICT CASES
FROM ADMINISTRATIVE TRUST FUND 2,373,394

2184 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,882

2184A DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 59,758

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING
FROM GENERAL REVENUE FUND 9,273,946
FROM TRUST FUNDS 2,694,168

TOTAL POSITIONS 155
TOTAL ALL FUNDS 11,968,114

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2185 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 837,262
FROM ADMINISTRATIVE TRUST FUND 939,059

2186 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,327

2187 EXPENSES
FROM GENERAL REVENUE FUND 142,422
FROM ADMINISTRATIVE TRUST FUND 225,998

2188 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,475
FROM ADMINISTRATIVE TRUST FUND 2,475

2189 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 105,475

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2190 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,540
FROM ADMINISTRATIVE TRUST FUND 10,322

2190A DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 50,559
FROM ADMINISTRATIVE TRUST FUND 246,076

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,040,258
FROM TRUST FUNDS 1,535,732

TOTAL POSITIONS 34
TOTAL ALL FUNDS 2,575,990

INFORMATION TECHNOLOGY

2191 SALARIES AND BENEFITS POSITIONS 146
FROM GENERAL REVENUE FUND 7,259,411

2192 EXPENSES
FROM GENERAL REVENUE FUND 8,208,753

2193 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 634,900

2194 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,837

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 16,114,901

TOTAL POSITIONS 146
TOTAL ALL FUNDS 16,114,901

PROGRAM: FINANCIAL INSTITUTIONS REGULATORY PROGRAM

From the funds in Specific Appropriations 2195 through 2227, the Financial Institutions Regulatory Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percentage of licensees examined where department action is taken	25%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2195 SALARIES AND BENEFITS POSITIONS 159
FROM GENERAL REVENUE FUND 2,896,167
FROM ANTI-FRAUD TRUST FUND 165,772
FROM REGULATORY TRUST FUND 4,184,979

2196 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,038
FROM ANTI-FRAUD TRUST FUND 207,161
FROM REGULATORY TRUST FUND 72,396

2197 EXPENSES
FROM GENERAL REVENUE FUND 446,926
FROM ANTI-FRAUD TRUST FUND 252,992
FROM REGULATORY TRUST FUND 646,682

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2198 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	8,486	
FROM REGULATORY TRUST FUND		4,820
2199 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,868	
FROM REGULATORY TRUST FUND		11,359
2199A DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	108,167	
FROM REGULATORY TRUST FUND		122,292
2199B DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	27,569	
TOTAL: COMPLIANCE AND ENFORCEMENT		
FROM GENERAL REVENUE FUND	3,506,221	
FROM TRUST FUNDS		5,668,453
TOTAL POSITIONS	159	
TOTAL ALL FUNDS		9,174,674

FINANCIAL SERVICES INDUSTRY REGULATION

2201 SALARIES AND BENEFITS POSITIONS	73	
FROM GENERAL REVENUE FUND	2,252,590	
FROM REGULATORY TRUST FUND		1,376,240
2202 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,162	
FROM REGULATORY TRUST FUND		162,804
2203 EXPENSES		
FROM GENERAL REVENUE FUND	337,830	
FROM REGULATORY TRUST FUND		595,692
2204 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	6,613	
FROM REGULATORY TRUST FUND		5,180
2205 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	4,574	
FROM REGULATORY TRUST FUND		12,208
2205A DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	84,302	
FROM REGULATORY TRUST FUND		131,428
2205B DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	21,487	
TOTAL: FINANCIAL SERVICES INDUSTRY REGULATION		
FROM GENERAL REVENUE FUND	2,717,558	
FROM TRUST FUNDS		2,283,552
TOTAL POSITIONS	73	
TOTAL ALL FUNDS		5,001,110

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

2207 SALARIES AND BENEFITS POSITIONS	126	
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		7,045,131

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2208 OTHER PERSONAL SERVICES		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		9,150
2209 EXPENSES		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		1,346,027
2210 OPERATING CAPITAL OUTLAY		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		10,000
2211 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		29,827
2211A DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		419,439
TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM		
FROM TRUST FUNDS		8,859,574
TOTAL POSITIONS	126	
TOTAL ALL FUNDS		8,859,574

CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION

2212 SALARIES AND BENEFITS POSITIONS	67	
FROM GENERAL REVENUE FUND	1,374,111	
FROM ADMINISTRATIVE TRUST FUND		1,760,537
2213 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		6,050
2214 EXPENSES		
FROM GENERAL REVENUE FUND	468,253	
FROM ADMINISTRATIVE TRUST FUND		539,366
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		100,000
2215 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	8,302	
FROM ADMINISTRATIVE TRUST FUND		8,302
2216 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,887	
FROM ADMINISTRATIVE TRUST FUND		9,186
2216A DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	11,613	
FROM ADMINISTRATIVE TRUST FUND		13,473
TOTAL: CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION		
FROM GENERAL REVENUE FUND	1,869,166	
FROM TRUST FUNDS		2,436,914
TOTAL POSITIONS	67	
TOTAL ALL FUNDS		4,306,080

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2217 SALARIES AND BENEFITS POSITIONS	71	
FROM GENERAL REVENUE FUND	1,723,506	
FROM ADMINISTRATIVE TRUST FUND		1,934,394

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2218	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		12,845
2219	EXPENSES		
	FROM GENERAL REVENUE FUND	162,755	
	FROM ADMINISTRATIVE TRUST FUND		255,380
2220	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,025	
	FROM ADMINISTRATIVE TRUST FUND		5,025
2221	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		214,150
2222	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,308	
	FROM ADMINISTRATIVE TRUST FUND		20,957
2222A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	102,650	
	FROM ADMINISTRATIVE TRUST FUND		497,152
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	2,009,244	
	FROM TRUST FUNDS		2,939,903
	TOTAL POSITIONS	71	
	TOTAL ALL FUNDS		4,949,147

INFORMATION TECHNOLOGY

2223	SALARIES AND BENEFITS POSITIONS	22	
	FROM WORKING CAPITAL TRUST FUND		927,473
2224	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		243,000
2225	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		542,690
2226	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		625,124
2227	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		4,823
TOTAL:	INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS		2,343,110
	TOTAL POSITIONS	22	
	TOTAL ALL FUNDS		2,343,110

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

FLORIDA BOXING COMMISSION

2228	SALARIES AND BENEFITS POSITIONS	3	
	FROM PROFESSIONAL REGULATION TRUST FUND .		199,120
2229	OTHER PERSONAL SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND .		38,081

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2230	EXPENSES		
	FROM PROFESSIONAL REGULATION TRUST FUND .		155,001
2231	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PROFESSIONAL REGULATION TRUST FUND .		578
TOTAL:	FLORIDA BOXING COMMISSION		
	FROM TRUST FUNDS		392,780
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS		392,780

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2232	SALARIES AND BENEFITS POSITIONS	242	
	FROM ADMINISTRATIVE TRUST FUND		11,207,778
2233	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		895,307
2234	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		3,049,498
2235	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		177,346
2236	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		766,060
2237	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		120,513
2238	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM ADMINISTRATIVE TRUST FUND		1,560
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM TRUST FUNDS		16,218,062
	TOTAL POSITIONS	242	
	TOTAL ALL FUNDS		16,218,062

INFORMATION TECHNOLOGY

2239	SALARIES AND BENEFITS POSITIONS	49	
	FROM ADMINISTRATIVE TRUST FUND		2,381,665
2239A	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		129,610
2240	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		2,093,402
2240A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		40,172
2240B	SPECIAL CATEGORIES		
	TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION		
	FROM ADMINISTRATIVE TRUST FUND		10,000,000
2240C	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		684,752
2240D	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		5,714

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TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 15,335,315

TOTAL POSITIONS 49
TOTAL ALL FUNDS 15,335,315

PROGRAM: PROFESSIONAL REGULATION

From the funds in Specific Appropriations 2242 through 2261A, the Professional Regulation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of applications processed within 90 days.....	100%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

Funds provided in Specific Appropriation 2242, 2244, and 2246 from the Professional Regulation Trust Fund, reflect the reduction of $129,596 and 2 FTE positions for the outsourcing of licensing and regulatory function of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 2 FTE positions and $129,596 in accordance with provisions of Chapter 216, Florida Statutes.

2242 SALARIES AND BENEFITS POSITIONS 183
FROM PROFESSIONAL REGULATION TRUST FUND . 7,264,076

2243 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 68,750

2244 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,772,414

2245 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 5,340

2246 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,145,050

From the funds in Specific Appropriation 2246, up to $300,000 from the Professional Regulation Trust Fund is provided to the Department to continue an unlicensed activity campaign designed to inform: (1) the public and prevent unlicensed activity in the real estate market; (2) the real estate licensee of the requirements of licensure pursuant to Chapter 498, Florida Statutes, regarding land sales practices. The Department shall develop the campaign in consultation with a corporation registered under Chapter 617, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation which represents the largest number of licensed real estate professionals. The Department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation in order to further the aims of the unlicensed activity campaign. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgments of joint production and sponsorship.

From the funds in Specific Appropriation 2246, up to $200,000 from the Professional Regulation Trust Fund is provided to the Department to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to Chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The Department shall develop the campaign in consultation with a corporation registered under Chapter 517, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501 (c) (6) corporation which represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship.

2247 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

2248 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2249 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 201,478

2250 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 520,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 12,277,108

TOTAL POSITIONS 183
TOTAL ALL FUNDS 12,277,108

STANDARDS AND LICENSURE

Funds provided in Specific Appropriation 2251, 2252, 2253, 2255, 2256, 2258 and 2261A from the Professional Regulation Trust Fund, reflect the reduction of $663,279 and 6 FTE positions for the outsourcing of licensing and regulatory functions of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 6 FTE positions and $663,279 in accordance with provisions of Chapter 216, Florida Statutes.

Funds provided in Specific Appropriation 2251 and 2253 from the Professional Regulation Trust Fund, reflect the reduction of $255,868 for the outsourcing of records imaging in the Division of Real Estate. If the outsourcing of the records imaging function is implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to place 8 FTE positions in reserve in accordance with provisions of Chapter 216, Florida Statutes.

2251 SALARIES AND BENEFITS POSITIONS 180
FROM PROFESSIONAL REGULATION TRUST FUND . 6,341,911

2252 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 782,538

2253 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,686,262

From the funds provided in Specific Appropriation 2253, the Department of Business and Professional Regulation shall move the physical offices of the Construction Industry Licensing Board to Leon County. As of October 1, 2001, no funds are appropriated to continue the lease of office space for the program in Duval County.

2254 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 14,660

2255 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 605,648

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2256 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,793,987

2257 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,500

2258 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 177,355

2259 SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2260 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,170,000

From the funds in Specific Appropriation 2260, $300,000 is to be reserved for operational contingencies which shall be approved by the agency prior to release of funds.

2261 SPECIAL CATEGORIES
GRANTS AND AIDS - MANAGEMENT PRIVATIZATION ACT CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 792,875

2261A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 823,404

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 16,290,140

TOTAL POSITIONS 180
TOTAL ALL FUNDS 16,290,140

PROGRAM: PARI-MUTUEL WAGERING

From the funds in Specific Appropriation 2263 through 2283A, the Pari-Mutuel Wagering Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of races and games that are in compliance with all laws and regulations	99.15%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2263 SALARIES AND BENEFITS POSITIONS 12
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 480,624

2264 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 37,984

2265 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 74,850

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2266 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 64,520

2266A SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,860,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 2,517,978

TOTAL POSITIONS 12
TOTAL ALL FUNDS 2,517,978

STANDARDS AND LICENSURE

2268 SALARIES AND BENEFITS POSITIONS 36
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,641,554

2269 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,058,760

From the funds in Specific Appropriation 2269, $300,000 is provided for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

2270 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 574,662

2271 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 18,032

2272 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

2273 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 300,000

From the Pari-Mutuel Wagering Trust Fund in Specific Appropriation 2273, $300,000 is provided for the pari-mutuel wagering funded research and development program. The University of Florida and the Department shall jointly prioritize the programs or projects and administer the distribution of funds.

2274 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 154,128

2275 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

2275A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 96,476

2276 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 75,000

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 5,111,373

TOTAL POSITIONS 36
TOTAL ALL FUNDS 5,111,373

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TAX COLLECTION

2278 SALARIES AND BENEFITS POSITIONS 22
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,018,518

2279 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 220,850

2280 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 214,296

2281 AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 75,000

2282 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 139,791

2283 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

2283A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 200,000

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 1,929,180

TOTAL POSITIONS 22
TOTAL ALL FUNDS 1,929,180

PROGRAM: HOTELS AND RESTAURANTS

From the funds in Specific Appropriations 2285 through 2294A, the Hotels and Restaurants Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of licenses in compliance with applicable laws and rules for food service and public lodging establishments	86%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2285 SALARIES AND BENEFITS POSITIONS 302
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,656,973

2286 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 9,500

2287 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,100,035

2288 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 18,311

2288A SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 418,416

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2289 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 150,000

2290 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 481,734

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 15,834,969

TOTAL POSITIONS 302
TOTAL ALL FUNDS 15,834,969

STANDARDS AND LICENSURE

2292 SALARIES AND BENEFITS POSITIONS 10
FROM HOTEL AND RESTAURANT TRUST FUND . . . 419,877

2293 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 51,792

2294 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 14,452

2294A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 1,036,230

TOTAL POSITIONS 10
TOTAL ALL FUNDS 1,036,230

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

From the funds in Specific Appropriations 2296 through 2312, the Alcoholic Beverages and Tobacco Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of license applications processed within 90 days	99%
Percent of total retail alcohol and tobacco licensees and permit holders inspected	40%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2296 SALARIES AND BENEFITS POSITIONS 230
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 11,780,050
FROM TOBACCO SETTLEMENT TRUST FUND 556,890

2297 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,722,059

2298 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 396,000

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2299 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 440,081

2300 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 135,573

2301 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 301,415

2301A SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 140,000

2301B SPECIAL CATEGORIES
FLORIDA TOBACCO PILOT - ENFORCEMENT
FROM TOBACCO SETTLEMENT TRUST FUND 4,587,393

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 20,059,461

TOTAL POSITIONS 230
TOTAL ALL FUNDS 20,059,461

STANDARDS AND LICENSURE

2302 SALARIES AND BENEFITS POSITIONS 67
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,783,373

2303 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 28,800

2304 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,461,973

2305 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 11,244,000

2306 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 30,000

2307 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 39,882

2307A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 235,422

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 15,823,450

TOTAL POSITIONS 67
TOTAL ALL FUNDS 15,823,450

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TAX COLLECTION

2309 SALARIES AND BENEFITS POSITIONS 126
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 5,146,736

2310 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,065,493

2311 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 559,600

2312 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 77,594

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,849,423

TOTAL POSITIONS 126
TOTAL ALL FUNDS 6,849,423

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

From the funds in Specific Appropriations 2314 through 2325A, the Florida Land Sales, Mobile Homes and Condominiums Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of permanent licenses issued and filings reviewed as prescribed by laws	100%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2314 SALARIES AND BENEFITS POSITIONS 108
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,445,871

2315 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 29,869

2316 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 828,392

2317 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 7,867

2318 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 46,524

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2319 SPECIAL CATEGORIES
GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 500,000

2319A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 222,420

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 6,080,943

TOTAL POSITIONS 108
TOTAL ALL FUNDS 6,080,943

STANDARDS AND LICENSURE

2321 SALARIES AND BENEFITS POSITIONS 32
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,395,757

2322 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 15,131

2323 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 420,407

2324 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 2,498

2325 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 16,346

2325A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 78,147

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 1,928,286

TOTAL POSITIONS 32
TOTAL ALL FUNDS 1,928,286

PROGRAM: CITRUS, DEPARTMENT OF

From funds in Specific Appropriations 2327 through 2342, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Gross on-tree revenue for Florida Oranges	$872 million
2. Number of pounds solids used in new products	483,000

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CITRUS RESEARCH

2327 SALARIES AND BENEFITS POSITIONS 34
FROM CITRUS ADVERTISING TRUST FUND 1,757,698

2328 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 50,000

2329 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 3,061,155

2330 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 306,000

2331 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 75,000

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 5,249,853

TOTAL POSITIONS 34
TOTAL ALL FUNDS 5,249,853

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2332 SALARIES AND BENEFITS POSITIONS 53
FROM CITRUS ADVERTISING TRUST FUND 2,589,296

2333 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 78,000

2334 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,315,283

2335 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 136,000

2336 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 75,000

2337 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 37,676

2337A DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 8,000

2338 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM CITRUS ADVERTISING TRUST FUND 32,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 5,271,255

TOTAL POSITIONS 53
TOTAL ALL FUNDS 5,271,255

AGRICULTURAL PRODUCTS MARKETING

2339 SALARIES AND BENEFITS POSITIONS 63
FROM CITRUS ADVERTISING TRUST FUND 4,082,322

2340 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 20,000

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2341 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,090,545

From the funds provided in Specific Appropriation 2341, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 2366 dispensed at the Florida Welcome Stations.

2342 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 63,545,941

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 69,738,808

TOTAL POSITIONS 63
TOTAL ALL FUNDS 69,738,808

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2343 SALARIES AND BENEFITS POSITIONS 112
FROM GENERAL REVENUE FUND 6,481,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 175,513

2345 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 1,902,016
FROM GRANTS AND DONATIONS TRUST FUND . . . 713,508

2347 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
WASHINGTON OFFICE
FROM GENERAL REVENUE FUND 124,874

2352 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

2353 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,527
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,007

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 8,582,659
FROM TRUST FUNDS 890,028

TOTAL POSITIONS 112
TOTAL ALL FUNDS 9,472,687

DRUG CONTROL COORDINATION

2356 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 347,854

From funds in Specific Appropriations 2356 through 2358, the Office of Drug Control in the Executive Office of the Governor shall, working in conjunction with the Florida Department of Law Enforcement and the Florida Seaport Transportation and Economic Development Council (FSTED), submit a report of baseline measures and standards developed for FY 2001-2002 relating to the effectiveness of security improvements provided to Florida seaports in Specific Appropriation 2045. The report shall be submitted to the Governor, the Speaker of the House and the Senate President no later than September 1, 2001 for their consideration prior to developing the FY 2002-2003 budget.

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2357 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR -
EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 83,093

2358 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,116

TOTAL: DRUG CONTROL COORDINATION
FROM GENERAL REVENUE FUND 432,063

TOTAL POSITIONS 5
TOTAL ALL FUNDS 432,063

SCHOOL READINESS

2358A SALARIES AND BENEFITS POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 217,496

2358B LUMP SUM
PARTNERSHIP FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 314,032
FROM GRANTS AND DONATIONS TRUST FUND . . . 861,268

TOTAL: SCHOOL READINESS
FROM GENERAL REVENUE FUND 314,032
FROM TRUST FUNDS 1,078,764

TOTAL POSITIONS 3
TOTAL ALL FUNDS 1,392,796

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM

2359 SALARIES AND BENEFITS POSITIONS 43
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 2,910,659

Funds in Specific Appropriation 2359 include an increase in salary rate of $150,000.

2360 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING
AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 2,178,590

2361 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 15,875

2362 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 44,550

2363 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 24,000

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND
BUDGETING SUBSYSTEM
FROM TRUST FUNDS 5,173,674

TOTAL POSITIONS 43
TOTAL ALL FUNDS 5,173,674

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EXECUTIVE PLANNING AND BUDGETING

2363A SALARIES AND BENEFITS POSITIONS 101
FROM GENERAL REVENUE FUND 6,249,700

2363B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 918,678

2363C SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,527

2363D SPECIAL CATEGORIES
DEPARTMENT OF EDUCATION REORGANIZATION
FROM GENERAL REVENUE FUND 250,000

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 7,452,905

TOTAL POSITIONS 101
TOTAL ALL FUNDS 7,452,905

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

From the funds in Specific Appropriations 2363E through 2369, the Office of Tourism, Trade and Economic Development Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of direct full-time jobs facilitated as a result of Enterprise Florida's recruitment, expansion and retention efforts	33,000
Sustained growth in the number of travelers who come and go through Florida	
Out-of-state	74.13 million
Residents	13.49 million
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2363E SALARIES AND BENEFITS POSITIONS 18
FROM GENERAL REVENUE FUND 333,247
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 85,791
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 441,021
FROM TOURISM PROMOTION TRUST FUND 441,022

2363F LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 113,258
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 24,760
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 118,866
FROM GRANTS AND DONATIONS TRUST FUND . . . 380,000
FROM TOURISM PROMOTION TRUST FUND 118,866

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2363G SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,634
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 2,578
FROM TOURISM PROMOTION TRUST FUND 6,827

2363H SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 968,582

2363I SPECIAL CATEGORIES
TRANSFER TO ECONOMIC DEVELOPMENT TRUST FUND
FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND 600,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 458,139
FROM TRUST FUNDS 3,188,313

TOTAL POSITIONS 18
TOTAL ALL FUNDS 3,646,452

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2364 LUMP SUM
BUSINESS EXPANSION, RETENTION, AND RECRUITMENT
FROM GENERAL REVENUE FUND 6,952,500
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 4,475,000

Funds in Specific Appropriation 2364 shall be allocated as follows:

From recurring General Revenue:
Enterprise Florida-Expansion, Retention & Recruitment..... 3,420,000
Enterprise Florida-National Marketing..... 1,092,500
Enterprise Florida-Trade & Export Assistance..... 570,000
Enterprise Florida-Florida Trade and Exhibition Center.... 300,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment..... 570,000

From nonrecurring General Revenue:
Community Defense Grants..... 1,000,000

From recurring Trust Funds:
Enterprise Florida-Trade & Export Assistance..... 2,000,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment..... 2,475,000

Funds in Specific Appropriation 2364 allocated for Community Defense Grants shall be awarded to assist Florida local governments in retaining hosted military bases through grants pursuant to s. 288.980(1), (2) and (3),F.S.

2365 LUMP SUM
COMMUNITIES WITH SPECIAL NEEDS/ECONOMIC OPPORTUNITIES
FROM GENERAL REVENUE FUND 3,695,572
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 4,500,000
FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND 1,500,000

Funds in Specific Appropriation 2365 shall be allocated as follows:

From recurring General Revenue:
Front Porch Florida-Operations..... 184,134
Office of Tourism, Trade, and Econ Dev-Rural Operations... 107,760
Black Business Investment Board..... 363,480

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From nonrecurring General Revenue:

Enterprise Florida-Special Needs Programs	745,198
Black Business Investment Board (BBIB)-Operations	95,000
BBIB and Statewide BBIC Capitalization Program	1,200,000
Front Porch Florida	970,000
Perrine Cutler-Ridge	30,000

From nonrecurring Trust Funds:

Brownfields Property Revolving Loan Program	1,500,000
Rural Community Development - s. 288.065 & 288.018	2,900,000
Lake Apopka Area - s. 373.461(5)(f) & (g)	1,000,000
Brownfields Redevelopment Bonus Refunds	600,000

Recurring funds in Specific Appropriation 2365 for the Black Business Investment Board reflect the creation of a not-for-profit corporation to administer black business investment programs. These recurring funds are contingent upon substantive legislation becoming law creating the not-for-profit corporation. In the event that such substantive legislation does not become law, the Executive Office of the Governor is authorized to restore positions and budget within the Executive Office of the Governor to administer black business investment programs.

2366 LUMP SUM
INDUSTRIES CRITICAL TO FLORIDA'S ECONOMIC BASE AND FUTURE GROWTH

FROM GENERAL REVENUE FUND	4,485,000	
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND		2,500,000
FROM TOURISM PROMOTION TRUST FUND		21,600,000

Funds in Specific Appropriation 2366 shall be allocated as follows:

From recurring General Revenue:

Film Commission-Operations	293,879

From nonrecurring General Revenue:

Film Commission-Operations	306,121
Sports Foundation-Sunshine State Games	450,000
Sports Foundation-Operations	85,000
Spaceport Florida Authority-Operations	700,000
Spaceport-Next Generation Launch Systems	750,000
Spaceport-Strategic Planning/Grants/Site Development	700,000
Spaceport-Florida Commercial Space Financing Corporation	300,000
Spaceport-Florida Space Research Institute	800,000
Enterprise Florida-Space Programs Office for the Space Industry Committee	100,000

From recurring Trust Funds:

Florida Sports Foundation	2,500,000
Tourism Commission / VISIT FLORIDA-Marketing	16,900,000
Tourism Commission / VISIT FLORIDA-Sales	3,500,000
Tourism Commission / VISIT FLORIDA-Visitor Services	1,200,000

For funds allocated to the Tourism Commission / VISIT FLORIDA, the Florida Commission on Tourism shall expend funds in accordance with the funding categories provided in Specific Appropriation 2366. The Commission may modify the funding category amounts following written notification to the Speaker of the House, the President of the Senate, and the Governor. The Commission shall measure the impact of its marketing, sales, and visitor services programs at least once each year and shall provide quarterly reports on its performance to the Speaker of the House, the President of the Senate, and the Governor. Each report shall include an estimate of the number of tourists and the financial impact of tourism activity, using industry-accepted methodologies to show the incremental economic impact of each program measured.

Funds in Specific Appropriation 2366 allocated to Enterprise Florida-Space Programs Office for the Space Industry Committee shall be utilized by Enterprise Florida to provide administrative and program support for the Space Industry Committee. Such funds may be used for the marketing, auditing, planning, and development initiatives of the Space Industry Committee.

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2367 LUMP SUM
ECONOMIC DEVELOPMENT TOOLS

FROM GENERAL REVENUE FUND	29,175,000	
FROM ECONOMIC DEVELOPMENT TRUST FUND		6,075,000

Funds in Specific Appropriation 2367 shall be allocated as follows:

From nonrecurring General Revenue:

Qualified Targeted Industries-QTI	24,000,000
Qualified Defense Contractors-QDC	300,000
High Impact Performance Incentive-HIPI	3,375,000
Quick Action Closing	1,500,000

From nonrecurring Trust Funds:

Qualified Targeted Industries-QTI Local Match	6,000,000
Qualified Defense Contractors-QDC Local Match	75,000

Funds in Specific Appropriation 2367 for Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentive shall not be released for any other purpose and only disbursed when projects meet the contracted performance requirements.

2367A SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL ECONOMIC DEVELOPMENT INITIATIVES
FROM GENERAL REVENUE FUND 13,245,400

Funds in Specific Appropriations 2367A, shall be allocated as follows:

Florida Services Export Program	400,000
Beaver Street Enterprise Center	200,000
Escambia County Commerce Park	1,500,000
Florida Hispanic Business Incubator	250,000
Florida Sports Hall of Fame and Museum of Florida Sports History	250,000
Industrial Site Development Preparation-Okeechobee	300,000
Niceville-Valparaiso-Bay Area Chamber of Commerce	150,000
Plant City-International Softball Federation (ISF) Stadium	700,000
CDC Enterprise Zone	400,000
Sports, Health and Education Pavilion - Lake	900,000
Miami Metro Action Plan	250,000
Outreach Learning Center	200,000
Hispanic Business Development	300,000
Enterprise Zone Grant Program	1,000,000
Rail Enhancement, Task Force Study - Palm Beach	100,000
Technology Infrastructure Assessment - Leon	150,000
Vecinos en Accion - Dade	120,000
Virtual NET - Dade	200,000
Perrine Commercial Redevelopment Area	25,000
Women's Business Center - Pinellas	24,000
Futures Unlimited Immokalee Workforce Demonstration Project	75,000
Community High-technology Investment Partnership	250,000
Airport Industrial Park Upgrade - Calhoun	350,000
Network Infrastructure Upgrade - Lee	26,400
Car Control Clinic Pilot Program - Palm Beach, Broward, Miami-Dade	100,000
Airport Industrial Park West - St. Lucie	2,000,000
Sanford Airport Memorial	150,000
Commerce Park & Aviation Complex Infrastructure - Seminole	750,000
Port Brownfield Assessment/Clean Up - Hillsborough	500,000
Florida Citrus Sports Association, Inc	200,000
Orange Bowl Committee, Inc	200,000
Outback Bowl	200,000
Toyota Gator Bowl	200,000
Sunshine Football Classic	200,000
LaBelle Airport Economic Development Project	100,000
Florida Empowerment Zone Act (Immokalee)	225,000
FL Small Business Development Center Enhancement Initiative	100,000
Florida Manufacturing Technology Center	200,000

From funds in Specific Appropriation 2367A allocated to the Florida Services Export Program, Enterprise Florida, Inc. shall contract with

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the Greater Miami Chamber of Commerce for the operation and marketing of an online business center providing information about Florida service providers to international companies, and the promotion of Florida international services worldwide through a program of trade missions, seminars and workshops.

Funds in Specific Appropriation 2367A for the Enterprise Zone Grant Program, are provided to establish a grant program for court house construction and court house land acquisition for counties having a population of over 89,999. The Office of Tourism, Trade, and Economic Development shall establish grant criteria that include the following:

1. All court house construction and court house land acquisition activities must be within a designated enterprise zone.

2. State grant funding for court house land acquisition must have at least 25% local county cash matching funds.

The Office of Tourism, Trade, and Economic Development, in consultation with Chairs of the Senate Appropriations Committee and House Fiscal Responsibility Council shall determine the distribution of these funds to those counties that submit a request. Reports from those counties receiving such funds shall be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such reports shall document the total cost of the land purchased, certification that the property acquired is located in an enterprise zone, the total cost of court house construction, and the anticipated project completion date.

2368 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 22,100,000

Funds in Specific Appropriation 2368 shall be allocated as follows:

Space Experiment Research and Processing Lab (SERPL)..... 16,000,000
Defense Infrastructure..... 5,000,000
Rural Infrastructure - s. 288.0655, F.S..... 1,100,000

Funds in Specific Appropriation 2368 allocated to Defense Infrastructure may be awarded to enable Florida local governments hosting existing military bases to invest in infrastructure improvements critical for preserving these bases from closure in future Base Realignment and Closure (BRAC) rounds. It may also be used to enable Florida local governments to invest in infrastructure improvements critical in facilitating reuse of closed military bases.

From funds in Specific Appropriation 2368 for Defense Infrastructure, up to $857,190 shall be provided to Miami-Dade County for completion of the water system at Homestead Air Reserve Base.

From funds in Specific Appropriation 2368 for Defense Infrastructure, $2,500,000 shall be provided to promote access to defense facilities by four-laning State Road 123.

Funds in Specific Appropriation 2368 allocated to the Space Experiment Research and Processing Lab (SERPL) shall be administered by the Spaceport Florida Authority with the direct oversight of the Office of Tourism, Trade, and Economic Development (OTTED). OTTED shall utilize the construction management services of the Department of Management Services for construction of the facility. OTTED shall consult with the National Aeronautics and Space Administration (NASA) and the Florida Commercial Space Financing Corporation during each phase of construction.

2369 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND 20,000,000

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TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 79,653,472
FROM TRUST FUNDS 60,650,000

TOTAL ALL FUNDS 140,303,472

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2370 SALARIES AND BENEFITS POSITIONS 343
FROM GENERAL REVENUE FUND 4,248
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 12,518,775
FROM GRANTS AND DONATIONS TRUST FUND . . . 94,016
FROM LAW ENFORCEMENT TRUST FUND 111,802

Funds in Specific Appropriations 2370 and 2377 include a reduction of 23 positions and $569,191 from the Highway Safety Operating Trust Fund for the outsourcing of crash data entry function. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore the positions and budget authority for fiscal year 2001-2002 until such time as these functions are performed by a vendor under contract with the state.

2371 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 96,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 53,333

2372 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,431,507
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,400
FROM LAW ENFORCEMENT TRUST FUND 7,516

2373 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 179,126
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,071,667

2376 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 36,694
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 113,612

2377 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,152,241

2378 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 140,112

2378A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 501

2378B DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 304,270
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 802,456
FROM LAW ENFORCEMENT TRUST FUND 3,742

2379A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 100,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 345,212
FROM TRUST FUNDS 17,932,591

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TOTAL POSITIONS	343	
TOTAL ALL FUNDS		18,277,803

PROGRAM: FLORIDA HIGHWAY PATROL

From the funds in Specific Appropriations 2380 through 2411, the Florida Highway Patrol shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Florida death rate on patrolled highways per 100 million vehicle miles of travel	1.9
Alcohol-related death rate per 100 million vehicle miles of travel	0.64
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HIGHWAY SAFETY

2380 SALARIES AND BENEFITS POSITIONS	2,178	
FROM GENERAL REVENUE FUND	94,885,774	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		16,128,784
FROM GAS TAX COLLECTION TRUST FUND		204,997
FROM GRANTS AND DONATIONS TRUST FUND . . .		344,506
FROM LAW ENFORCEMENT TRUST FUND		925,406
2381 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	57,500	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,589,519
FROM GRANTS AND DONATIONS TRUST FUND . . .		66,750
FROM LAW ENFORCEMENT TRUST FUND		380,000
2382 EXPENSES		
FROM GENERAL REVENUE FUND	2,815,161	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,013,034
FROM GRANTS AND DONATIONS TRUST FUND . . .		247,648
FROM LAW ENFORCEMENT TRUST FUND		118,203
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		278,900
2383 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	216,331	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		826,571
FROM GRANTS AND DONATIONS TRUST FUND . . .		614,600
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		630,355
2384 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	4,916,810	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,145,029
2385 SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	2,914,319	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		3,657,598
FROM GRANTS AND DONATIONS TRUST FUND . . .		40,063
2385A SPECIAL CATEGORIES		
AUXILLIARY UNIFORMS AND EQUIPMENT		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		150,000
2386 SPECIAL CATEGORIES		
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
FROM HIGHWAY PATROL INSURANCE TRUST FUND .		152,000

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2387 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,252,669	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		287,983
2388 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	1,101,056	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		574,476
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,600
2389 SPECIAL CATEGORIES		
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,000
2389A DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	11,698	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,175,975
2389B FIXED CAPITAL OUTLAY		
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		200,000
2389C FIXED CAPITAL OUTLAY		
FLORIDA HIGHWAY PATROL - COMMUNICATION CENTER - TAMPA - DMS MGD		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		635,738
2389D FIXED CAPITAL OUTLAY		
NEW FLORIDA HIGHWAY PATROL STATION - MARION COUNTY - DMS MGD		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		200,000
2389E FIXED CAPITAL OUTLAY		
NEW FLORIDA HIGHWAY PATROL STATION - LEE COUNTY - DMS MGD		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		140,000
2389F FIXED CAPITAL OUTLAY		
NEW FLORIDA HIGHWAY PATROL ACADEMY - GADSDEN COUNTY - DMS MGD		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		500,000

Funds in Specific Appropriation 2389F, are to construct a training facility designed and constructed consistent with the plan developed to house all State training programs at the Pat Thomas Law Enforcement Academy for Region 15 and 16. Additionally, the Department is authorized to enter into agreements necessary to expedite the construction of the facility.

TOTAL: HIGHWAY SAFETY		
FROM GENERAL REVENUE FUND	109,171,318	
FROM TRUST FUNDS		44,395,735
TOTAL POSITIONS	2,178	
TOTAL ALL FUNDS		153,567,053

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

2390 SALARIES AND BENEFITS POSITIONS	59	
FROM GENERAL REVENUE FUND	2,966,465	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,051,008
2391 EXPENSES		
FROM GENERAL REVENUE FUND	193,547	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		261,572
2392 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	

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2393 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	59,514	
2394 SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	35,000	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,000
2395 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	63,643	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,149
2396 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	62,829	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		17,884
TOTAL: CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS		
FROM GENERAL REVENUE FUND	3,390,998	
FROM TRUST FUNDS		1,350,613
TOTAL POSITIONS	59	
TOTAL ALL FUNDS		4,741,611

PUBLIC INFORMATION AND SAFETY EDUCATION

2397 SALARIES AND BENEFITS POSITIONS	19	
FROM GENERAL REVENUE FUND	1,083,230	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		81,653
FROM GRANTS AND DONATIONS TRUST FUND . . .		182,102
2398 OTHER PERSONAL SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		32,000
2399 EXPENSES		
FROM GENERAL REVENUE FUND	46,898	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		149,190
FROM GRANTS AND DONATIONS TRUST FUND . . .		493,000
2400 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
2401 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	19,838	
FROM GRANTS AND DONATIONS TRUST FUND . . .		95,000
2402 SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	5,000	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,500
2403 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,085	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,405
2404 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	34,990	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,112
TOTAL: PUBLIC INFORMATION AND SAFETY EDUCATION		
FROM GENERAL REVENUE FUND	1,210,041	
FROM TRUST FUNDS		1,138,962
TOTAL POSITIONS	19	
TOTAL ALL FUNDS		2,349,003

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2405 SALARIES AND BENEFITS POSITIONS	27	
FROM GENERAL REVENUE FUND	1,704,356	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		89,197
2406 EXPENSES		
FROM GENERAL REVENUE FUND	417,952	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		996
2407 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	
2408 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	19,838	
2409 SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	5,000	
2410 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	27,240	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,909
2411 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	20,000	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,204,386	
FROM TRUST FUNDS		92,102
TOTAL POSITIONS	27	
TOTAL ALL FUNDS		2,296,488

PROGRAM: LICENSES, TITLES AND REGULATIONS

From the funds in Specific Appropriations 2412 through 2456A, the Licenses, Titles and Regulations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of customers waiting 15 minutes or less for driver license service	82%
Percent of motor vehicle titles issued without error	98%
Number of fraudulent motor vehicle titles identified and submitted to law enforcement	475

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

LICENSING AUTOMOBILE DEALERS

2412 SALARIES AND BENEFITS POSITIONS	8	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		279,622
2413 EXPENSES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		18,783
2414 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		6,724

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2414A DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 47,216

TOTAL: LICENSING AUTOMOBILE DEALERS
FROM TRUST FUNDS 352,345

TOTAL POSITIONS 8
TOTAL ALL FUNDS 352,345

COMPLIANCE AND ENFORCEMENT

2415 SALARIES AND BENEFITS POSITIONS 136
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,354,723

2416 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

2417 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,067,770
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

2418 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

2419 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 86,364

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 5,718,857

TOTAL POSITIONS 136
TOTAL ALL FUNDS 5,718,857

DRIVER LICENSURE

2420 SALARIES AND BENEFITS POSITIONS 1,194
FROM GENERAL REVENUE FUND 10,026,012
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 28,257,753

Funds in Specific Appropriations 2420 and 2422 include a reduction of 18 positions and $592,108 from the Highway Safety Operating Trust Fund reflecting the closing of the driver license offices in Tarpon Springs and Brandon. This reduction includes lease amounts of $44,027 for Brandon, Hillsborough County and $46,130 for Tarpon Springs, Pinellas County. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore positions and budget authority until such time as the tax collectors in Hillsborough and Pinellas Counties can provide full driver license services in these counties.

2421 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 624,516

2422 EXPENSES
FROM GENERAL REVENUE FUND 53,225
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 7,987,014

2423 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,000
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 52,500

2423A SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF
DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 220,000

2423B SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS
OF DRIVER LICENSE APPLICATIONS AND MOTOR
VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 400,000

2423C SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING
SYSTEM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,101,642

2424 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

Funds in Specific Appropriation 2424 include $300,000 for the payment of the $3 Internet E-commerce service fee to the contractor rather than assessing an additional $3 fee to customers renewing or changing the address on their driver license or renewing their vehicle registration.

2425 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 591,020
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,225,149

2426 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 741,562

2426A DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,307,936
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,647,404

2426B FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 200,000

2426C FIXED CAPITAL OUTLAY
NEW DRIVER LICENSE OFFICE - PALM BEACH
GARDENS - DMS MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 3,246,366

Funds in Specific Appropriations 2426C and 2426D are contingent upon sufficient proceeds from the sale of the Palm Beach Gardens facility located at 3185 PGA Boulevard, Palm Beach Gardens and the Winter Park facility located at 940 West Canton Avenue, Winter Park, to cover the amounts appropriated for new facilities in these respective areas.

2426D FIXED CAPITAL OUTLAY
NEW DRIVER LICENSES OFFICE - ORANGE COUNTY
- DMS MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,937,800

TOTAL: DRIVER LICENSURE
FROM GENERAL REVENUE FUND 13,034,193
FROM TRUST FUNDS 58,141,706

TOTAL POSITIONS 1,194
TOTAL ALL FUNDS 71,175,899

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

2427 SALARIES AND BENEFITS POSITIONS 57
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,673,886

2428 EXPENSES
FROM GENERAL REVENUE FUND 2,379
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 412,779

2429 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 38,696

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2429A DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	61,687	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		688,663
TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE		
FROM GENERAL REVENUE FUND	64,066	
FROM TRUST FUNDS		2,814,024
TOTAL POSITIONS	57	
TOTAL ALL FUNDS		2,878,090

IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

2430 SALARIES AND BENEFITS POSITIONS	219	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,196,887
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		421,679
FROM GRANTS AND DONATIONS TRUST FUND . . .		78,685
2431 OTHER PERSONAL SERVICES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		342,500
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		183,467
FROM GRANTS AND DONATIONS TRUST FUND . . .		200,035
2432 EXPENSES		
FROM GENERAL REVENUE FUND	31,477	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		691,799
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		129,659
FROM GRANTS AND DONATIONS TRUST FUND . . .		308,575
2433 OPERATING CAPITAL OUTLAY		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		10,000
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		7,769
FROM GRANTS AND DONATIONS TRUST FUND . . .		85,075
2434 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		133,239
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		5,051
2434A DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	195,647	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		649,120
TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS		
FROM GENERAL REVENUE FUND	227,124	
FROM TRUST FUNDS		10,443,540
TOTAL POSITIONS	219	
TOTAL ALL FUNDS		10,670,664

MOBILE HOME COMPLIANCE AND ENFORCEMENT

2435 SALARIES AND BENEFITS POSITIONS	38	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,364,456
2436 EXPENSES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,890
2437 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		31,939
2437A DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		47,216
TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT		
FROM TRUST FUNDS		1,596,501
TOTAL POSITIONS	38	
TOTAL ALL FUNDS		1,596,501

MOTOR CARRIER COMPLIANCE

2438 SALARIES AND BENEFITS POSITIONS	84	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		399,591
FROM GAS TAX COLLECTION TRUST FUND		2,575,054
2439 OTHER PERSONAL SERVICES		
FROM GAS TAX COLLECTION TRUST FUND		11,438
2440 EXPENSES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,320
FROM GAS TAX COLLECTION TRUST FUND		498,626
FROM GRANTS AND DONATIONS TRUST FUND . . .		70,000
2441 OPERATING CAPITAL OUTLAY		
FROM GAS TAX COLLECTION TRUST FUND		5,001
FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
2442 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		14,438
FROM GAS TAX COLLECTION TRUST FUND		56,165
2442A DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		18,219
FROM GAS TAX COLLECTION TRUST FUND		229,999
TOTAL: MOTOR CARRIER COMPLIANCE		
FROM TRUST FUNDS		3,903,851
TOTAL POSITIONS	84	
TOTAL ALL FUNDS		3,903,851

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

From funds in Specific Appropriations 2443 through 2451A, $1.4 million associated with the administrative cost to collect revenues pursuant to s. 328.72(1), Florida Statutes, shall be deposited into the Highway Safety Operating Trust Fund before other statutorily mandated distributions are made.

2443 SALARIES AND BENEFITS POSITIONS	208	
FROM GENERAL REVENUE FUND	73,659	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		6,564,326
2444 OTHER PERSONAL SERVICES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		69,516
2445 EXPENSES		
FROM GENERAL REVENUE FUND	11,672	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,396,332
2446 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
2447 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000

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2448 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 3,368,000

2449 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 92,665

2449A SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 280,000

2449B SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 100,000

2450 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,759,461

2451 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 239,545

2451A DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 314,665
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 12,374,116

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM GENERAL REVENUE FUND 399,996
FROM TRUST FUNDS 53,375,961

TOTAL POSITIONS 208
TOTAL ALL FUNDS 53,775,957

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2452 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 125,837
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,144,352

2453 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 40,000

2454 EXPENSES
FROM GENERAL REVENUE FUND 2,680
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 177,144

2455 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 75,323

2456 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 29,719

2456A DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 13,617
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 33,599

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 142,134
FROM TRUST FUNDS 2,500,137

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TOTAL POSITIONS 42
TOTAL ALL FUNDS 2,642,271

PROGRAM: KIRKMAN DATA CENTER

From the funds in Specific Appropriations 2457 through 2462, the Kirkman Data Center shall meet the following performance standards as required by the Government Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of customers who rate services as satisfactory or better as measured by survey	80%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

INFORMATION TECHNOLOGY

2457 SALARIES AND BENEFITS POSITIONS 189
FROM WORKING CAPITAL TRUST FUND 8,232,796

2458 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 271,208

2459 EXPENSES
FROM WORKING CAPITAL TRUST FUND 8,516,369

2460 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,796,237

2461 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 43,608

2462 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 8,903,570

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 28,763,788

TOTAL POSITIONS 189
TOTAL ALL FUNDS 28,763,788

INSURANCE, DEPARTMENT OF, AND TREASURER

PROGRAM: OFFICE OF THE TREASURER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

From the funds in Specific Appropriations 2463, 2464 and 2465, the State Treasurer is authorized to develop a plan to establish, abolish, or consolidate bureaus, sections, and subsections to reallocate duties and functions in order to promote effective and efficient operation of budget entities within the Department of Insurance. The Treasurer shall submit the plan to the Legislative Budget Commission for approval no later than December 31, 2001. Any reorganization approval by the Legislative Budget Commission shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes.

2463 SALARIES AND BENEFITS POSITIONS 146
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,957,514

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2464 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 463,081

2465 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,532,492

2466 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 19,700

2467 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 124,808

2468 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,400

2468A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,783

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 9,107,778

TOTAL POSITIONS 146
TOTAL ALL FUNDS 9,107,778

LEGAL SERVICES

2470 SALARIES AND BENEFITS POSITIONS 76
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,906,666

2471 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 298,235

2472 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 957,931

2473 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 4,200

2474 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 375,656

2475 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 20,925

TOTAL: LEGAL SERVICES
FROM TRUST FUNDS 5,563,613

TOTAL POSITIONS 76
TOTAL ALL FUNDS 5,563,613

INFORMATION TECHNOLOGY

2476 SALARIES AND BENEFITS POSITIONS 68
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,471,960

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2477 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 5,617,418

2478 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,765,910

2479 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 911,152

2480 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 6,158

2481 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 252,000

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 14,024,598

TOTAL POSITIONS 68
TOTAL ALL FUNDS 14,024,598

PROGRAM: TREASURY

From the funds in Specific Appropriation 2482 through 2491 the Treasury Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Ratio of net rate of return to established national benchmarks:	
a. Internal liquidity investments	1.0
b. Internal bridge investment	1.0
c. External investment program bridge portfolio	1.0
d. Medium term portfolio	1.0
2. Maximum administrative unit cost per $100,000 of securities placed for deposit security service purposes	$26

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DEPOSIT SECURITY SERVICE

2482 SALARIES AND BENEFITS POSITIONS 38
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,684,937

2483 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 30,000

2484 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 425,854

2485 OPERATING CAPITAL OUTLAY
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 3,640

2486 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 8,603

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TOTAL: DEPOSIT SECURITY SERVICE
FROM TRUST FUNDS 2,153,034

TOTAL POSITIONS 38
TOTAL ALL FUNDS 2,153,034

STATE FUNDS MANAGEMENT AND INVESTMENT

2487 SALARIES AND BENEFITS POSITIONS 29
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,228,554

2488 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,315,975

TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT
FROM TRUST FUNDS 2,544,529

TOTAL POSITIONS 29
TOTAL ALL FUNDS 2,544,529

SUPPLEMENTAL RETIREMENT PLAN

2489 SALARIES AND BENEFITS POSITIONS 10
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 349,157

2490 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 9,000

2491 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 132,987

TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 491,144

TOTAL POSITIONS 10
TOTAL ALL FUNDS 491,144

PROGRAM: STATE FIRE MARSHAL

From the funds in Specific Appropriations 2492 through 2518A, the Fire Marshal Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of closed fire investigations successfully concluded, including by cause determined, suspect identified and/or arrested or other reasons	82%
2. Percent of closed arson investigations for which an arrest was made - Florida	22%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2492 SALARIES AND BENEFITS POSITIONS 65
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,905,595

2493 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 31,700

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2494 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 527,576

2495 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 10,000

2496 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 96,000

2497 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 8,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 3,578,871

TOTAL POSITIONS 65
TOTAL ALL FUNDS 3,578,871

FIRE AND ARSON INVESTIGATIONS

2498 SALARIES AND BENEFITS POSITIONS 151
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,212,890

2499 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 43,000

2500 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,636,470

2501 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 50,000

2502 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 330,330

2503 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 250,000

2504 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 144,174

2505 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 5,000

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 9,671,864

TOTAL POSITIONS 151
TOTAL ALL FUNDS 9,671,864

PROFESSIONAL TRAINING AND STANDARDS

2506 SALARIES AND BENEFITS POSITIONS 35
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,377,151

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2507 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 290,630

2508 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 710,232

2509 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 25,000

2510 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 17,500

2511 FIXED CAPITAL OUTLAY
FACILITIES REPAIRS AND MAINTENANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 42,982

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 2,463,495

TOTAL POSITIONS 35
TOTAL ALL FUNDS 2,463,495

FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES

2512 SALARIES AND BENEFITS POSITIONS 18
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 917,791

2513 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,831

2514 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 620,193

2515 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 212,000

2516 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 26,000

2517 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 129,633

2518 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,500

2518A FIXED CAPITAL OUTLAY
FACILITIES REPAIRS AND MAINTENANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 17,008

TOTAL: FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES
FROM TRUST FUNDS 1,950,956

TOTAL POSITIONS 18
TOTAL ALL FUNDS 1,950,956

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PROGRAM: RISK MANAGEMENT

From the funds in Specific Appropriations 2519 through 2524, the Risk Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. State employees' workers compensation benefit cost rate (indemnity and medical costs per $100 of state employees' payroll)	$1.16
2. Number/percent of liability claims closed in relation to claims worked during the fiscal year	3,663/51%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

STATE SELF-INSURED CLAIMS ADJUSTMENT

2519 SALARIES AND BENEFITS POSITIONS 105
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 4,169,004

2520 OTHER PERSONAL SERVICES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 330,000

2521 EXPENSES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 880,162
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 100,000

2522 OPERATING CAPITAL OUTLAY
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 3,000

2523 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 6,724,400

2524 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 14,232

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 12,220,798

TOTAL POSITIONS 105
TOTAL ALL FUNDS 12,220,798

PROGRAM: INSURANCE REGULATION AND CONSUMER PROTECTION

From the funds in Specific Appropriations 2525 through 2550 the Insurance Regulation and Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of arrests for insurance fraud resulting in trial or non-trial conviction	65%
2. Maximum percent of insurance representatives requiring discipline or oversight	11.47%

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

INSURANCE COMPANY LICENSURE AND OVERSIGHT

2525 SALARIES AND BENEFITS POSITIONS 306
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 15,124,334

2526 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,343,083

2527 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,268,650

2528 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,120

2529 SPECIAL CATEGORIES
HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 500,000

2530 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 148,839

TOTAL: INSURANCE COMPANY LICENSURE AND OVERSIGHT
FROM TRUST FUNDS 21,388,026

TOTAL POSITIONS 306
TOTAL ALL FUNDS 21,388,026

INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT

2531 SALARIES AND BENEFITS POSITIONS 71
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,475,556

2532 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,902,300

2533 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 879,900

2534 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 4,000,000

2535 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,200

2536 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 72,591

TOTAL: INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT
FROM TRUST FUNDS 11,336,547

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TOTAL POSITIONS 71
TOTAL ALL FUNDS 11,336,547

COMPLIANCE AND ENFORCEMENT

2537 SALARIES AND BENEFITS POSITIONS 256
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 11,813,849

2538 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

2539 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,373,266

2540 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 9,700

2541 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 282,000

2542 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 110,431

2543 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 193,060

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 14,957,306

TOTAL POSITIONS 256
TOTAL ALL FUNDS 14,957,306

INSURANCE CONSUMER ASSISTANCE

2546 SALARIES AND BENEFITS POSITIONS 167
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,349,038

2547 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 510,200

2548 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,584,535

2549 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200

2550 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 31,068

TOTAL: INSURANCE CONSUMER ASSISTANCE
FROM TRUST FUNDS 8,476,041

TOTAL POSITIONS 167
TOTAL ALL FUNDS 8,476,041

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LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

WORKFORCE ASSISTANCE AND SECURITY

PROGRAM: COMPLIANCE AND ENFORCEMENT

From the funds provided in Specific Appropriations 2550A and 2550B, the Compliance and Enforcement Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of farm labor contractors in compliance with regulations ensuring fair treatment and protection for migrant farmworkers	83%
OUTPUT:	
Monitor employers for compliance with child labor and migrant farmwork labor laws (Number of investigations and inspections)	3,926
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550A SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 686,369
FROM ADMINISTRATIVE TRUST FUND 249,871
FROM CREW CHIEF REGISTRATION TRUST FUND . 28,127

2550B EXPENSES
FROM GENERAL REVENUE FUND 94,177
FROM ADMINISTRATIVE TRUST FUND 111,608
FROM CREW CHIEF REGISTRATION TRUST FUND . 165,657

TOTAL: PROGRAM: COMPLIANCE AND ENFORCEMENT
FROM GENERAL REVENUE FUND 780,546
FROM TRUST FUNDS 555,263

TOTAL POSITIONS 30
TOTAL ALL FUNDS 1,335,809

WORKFORCE PLACEMENT AND ASSISTANCE

PROGRAM: WORKERS' COMPENSATION APPEALS

From the funds in Specific Appropriations 2550C through 2550H, the Workers' Compensation Appeals Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of concluded mediations resulting in resolution	56%
Percent of appealed, decided orders affirmed	80%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550C SALARIES AND BENEFITS POSITIONS 179
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,258,769

SECTION 6
SPECIFIC
APPROPRIATION
2550D OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 999,362

2550E EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,139,131

2550F OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 28,796

2550G SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 127,247

2550H DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 42,063

TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS

FROM TRUST FUNDS 14,595,368

TOTAL POSITIONS 179
TOTAL ALL FUNDS 14,595,368

PROGRAM: WORKERS' COMPENSATION

From the funds provided in Specific Appropriations 2550I through 2550P, the Workers' Compensation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of initial payments made on time by insurance carriers	91.0%
Percent of lost time cases with no petition for benefits filed 18 months after the date of accident	77.0%
Additional performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550I SALARIES AND BENEFITS POSITIONS 574
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 21,947,692
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 1,288,366

The funds in Specific Appropriations 2550I through 2550M represent a reduction of 35 positions and $2,025,562 in the Workers' Compensation Program in the areas of proof of coverage submission, insolvency petition filings, request for assistance and petition for benefit process. This reduction is contingent upon substantive legislation becoming law. In the event such substantive legislation does not become law, and no other legislation reduces these positions, the Executive Office of the Governor is authorized to restore the positions and budget, pursuant to s. 216.177, F.S., to the Workers' Compensation Program.

2550J OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 5,392,754

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SPECIFIC
APPROPRIATION

FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 1,000,000

2550K EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 6,768,257
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 670,770

2550L OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 696,453
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 100,000

2550M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 316,352

2550N SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 645,408

2550O SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,738,394

2550P DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,173,780
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 42

TOTAL: PROGRAM: WORKERS' COMPENSATION

FROM TRUST FUNDS 43,738,268

TOTAL POSITIONS 574
TOTAL ALL FUNDS 43,738,268

PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

From the funds in Specific Appropriations 2550Q through 2550T, the Unemployment Appeals Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of unemployment compensation appeals disposed within 45 days	50%
Percent of unemployment compensation appeals disposed within 90 days	95%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550Q SALARIES AND BENEFITS POSITIONS 28
FROM ADMINISTRATIVE TRUST FUND 1,726,537

2550R OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 58,400

SECTION 6
SPECIFIC
APPROPRIATION

2550S EXPENSES
FROM ADMINISTRATIVE TRUST FUND 358,821

2550T SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 3,144

TOTAL: PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

FROM TRUST FUNDS 2,146,902

TOTAL POSITIONS 28
TOTAL ALL FUNDS 2,146,902

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

2550U SALARIES AND BENEFITS POSITIONS 6
FROM ADMINISTRATIVE TRUST FUND 255,198
FROM CREW CHIEF REGISTRATION TRUST FUND . 118,216

The funds in Specific Appropriations 2550U through 2550W reflect a reduction of 82 positions and $4,356,751 from the Administrative Trust Fund. If substantive legislation does not become law which eliminates the Department of Labor and Employment Security, the Executive Office of the Governor may restore up to 26 positions and $2,371,475 in corresponding budget authority, pursuant to s. 216.177,F.S., within the Department of Labor and Employment Security. If substantive legislation does become law which abolishes the Department of Labor and Employment Security, the Executive Office of the Governor may restore positions and budget authority as necessary pursuant to s. 216.177 F.S., within the Department of Labor and Employment Security to administer the program during the transition period.

2550V EXPENSES
FROM ADMINISTRATIVE TRUST FUND 41,876
FROM CREW CHIEF REGISTRATION TRUST FUND . 8,000

2550W OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 16,868

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 440,158

TOTAL POSITIONS 6
TOTAL ALL FUNDS 440,158

PROGRAM: INFORMATION TECHNOLOGY

From the funds in Specific Appropriations 2550X through 2550AB, the Information Technology Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to support agency functions through the management of information resources.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Maintain the percent of scheduled information technology production jobs completed at 99% or more	99.9%
Percent of Information Management Center's data processing request completed by due date	95.5%

2550X SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 2,544
FROM WORKING CAPITAL TRUST FUND 6,717,463

2550Y OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 200,000

SECTION 6
SPECIFIC
APPROPRIATION
2550Z EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,495,934

2550AA OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 279,058

2550AB SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 12,557

TOTAL: PROGRAM: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 2,544
FROM TRUST FUNDS 14,705,012

TOTAL POSITIONS 140
TOTAL ALL FUNDS 14,707,556

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

From the funds in Specific Appropriations 2550AC through 2550AH, the Public Employees Relations Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote harmonious employer/employee relations at the state and local levels by resolving and mediating workplace disputes.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of timely labor dispositions	99%
Percent of timely employment dispositions	99%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

2550AC SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 2,611,873

2550AD OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 134,640
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,000

2550AE EXPENSES
FROM GENERAL REVENUE FUND 549,088
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 48,648

2550AF OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,120

2550AG SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,432

2550AH DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 6,377

TOTAL: PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION
FROM GENERAL REVENUE FUND 3,324,530
FROM TRUST FUNDS 53,648

TOTAL POSITIONS 39
TOTAL ALL FUNDS 3,378,178

SECTION 6
SPECIFIC
APPROPRIATION
LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 2551 and 2552 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

SENATE

2551 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 36,002,148

HOUSE OF REPRESENTATIVES

2552 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 56,119,925

LEGISLATIVE SUPPORT SERVICES

2553 LUMP SUM
LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 28,406,751
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 223,918

2554 LUMP SUM
LEGISLATURE - ADMINISTERED FUNDS
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,741

2555 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 298,658

2555A SPECIAL CATEGORIES
FEFP REVIEW TASK FORCE
FROM GENERAL REVENUE FUND 500,000

2555B SPECIAL CATEGORIES
STATE TAX REFORM TASK FORCE
FROM GENERAL REVENUE FUND 500,000

2556 SPECIAL CATEGORIES
REVIEW OF PROPOSED MANDATED HEALTH
COVERAGES
FROM GRANTS AND DONATIONS TRUST FUND . . . 200,000

TOTAL: LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 29,705,409
FROM TRUST FUNDS 430,659

TOTAL ALL FUNDS 30,136,068

ADMINISTRATIVE PROCEDURES COMMITTEE

2557 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,331,717

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE
ON

2558 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL
RELATIONS
FROM GENERAL REVENUE FUND 748,239

TECHNOLOGY REVIEW WORKGROUP

2559 LUMP SUM
TECHNOLOGY REVIEW WORKGROUP
FROM GRANTS AND DONATIONS TRUST FUND . . . 675,707

SECTION 6
SPECIFIC
APPROPRIATION

2560 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 560,000

The Technology Review Workgroup is authorized to submit a budget amendment pursuant to Chapter 216, Florida Statutes, to the Executive Office of the Governor to transfer funds from contracting agencies that are in excess of the amount provided in Specific Appropriation 2560.

2561 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,030

TOTAL: TECHNOLOGY REVIEW WORKGROUP
FROM TRUST FUNDS 1,237,737

TOTAL ALL FUNDS 1,237,737

OFFICE OF PUBLIC COUNSEL

2562 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,597,243

ETHICS, COMMISSION ON

2563 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION
TRUST FUND 106,178

2564 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,914,270

$100,000 is provided in Specific Appropriation 2564 for the development of an internet based interactive course in ethics, public records and public meetings for elected officials.

2565 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 43,089

TOTAL: ETHICS, COMMISSION ON
FROM GENERAL REVENUE FUND 1,957,359
FROM TRUST FUNDS 106,178

TOTAL ALL FUNDS 2,063,537

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM
STATE LAWS

2566 EXPENSES
FROM GENERAL REVENUE FUND 70,910

PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY, OFFICE OF

2567 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY
FROM GENERAL REVENUE FUND 6,995,390

2568 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,123

TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY, OFFICE OF
FROM GENERAL REVENUE FUND 7,000,513

SECTION 6
SPECIFIC
APPROPRIATION

TOTAL ALL FUNDS 7,000,513

AUDITOR GENERAL

2569 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,370,521

2570 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 105,869

TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,476,390

TOTAL ALL FUNDS 34,476,390

AUDITING COMMITTEE

2571 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 319,527

2572 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 369

TOTAL: AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 319,896

TOTAL ALL FUNDS 319,896

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

From the funds in Specific Appropriations 2573 through 2579C, the Lottery Operations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Total dollars transferred to the Educational Enhancement Trust Fund	$898.2 million
2. Operating expense as percent of total revenue	11.31%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2573 SALARIES AND BENEFITS POSITIONS 513
FROM ADMINISTRATIVE TRUST FUND 24,273,533

2574 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,073,296

2575 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 13,213,725

From the funds in Specific Appropriation 2575, the Secretary of the Department of Lottery, at the Secretary's discretion, is authorized to conduct a lottery game show to increase public interest and participation in the Florida Lottery. Selection of the vendor to produce a game show shall be in a manner that ensures competitive pricing for an appropriate level of service, provides for new game show equipment and sets, and best enhances the mission and goals of the Florida Lottery.

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2576 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,150,000

2577 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 200,000

2577A SPECIAL CATEGORIES
1-900 WINNING NUMBERS LINE LAWSUIT SETTLEMENT
FROM ADMINISTRATIVE TRUST FUND 850,000

2578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 13,303

2578A SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 16,277,813

The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578A in the event instant-ticket sales are greater than the projected sales used to calculate the amount appropriated.

2578B SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 34,994,453

From the funds in Specific Appropriation 2578B, the Department of Lottery is authorized to utilize up to $1,300,000 for the purpose of contracting with an established Florida problem gambling organization for a Compulsive Gambling Program.

2578C SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,545,312

The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578C in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

2578D SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 2,940,000

From the funds in Specific Appropriation 2578D, $2.9 million shall be used to fund an extension of the current instant ticket vending machine contract for the 2001-2002 fiscal year, and to study the financial impact of the instant ticket vending machine program. The results of the study shall be presented to the presiding officers of both houses of the Legislature and to the Chairs of the relevant legislative committees no later than the 10th day of the 2002 legislative session.

2578E SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

2579 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 410,100

2579A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 23,400

2579B SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 20,000,000

SECTION 6
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2579C DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 2,681

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 149,467,616

TOTAL POSITIONS 513
TOTAL ALL FUNDS 149,467,616

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2581 SALARIES AND BENEFITS POSITIONS 110
FROM ADMINISTRATIVE TRUST FUND 5,541,451

2582 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 8,700

2583 EXPENSES
FROM GENERAL REVENUE FUND 367,729
FROM ADMINISTRATIVE TRUST FUND 676,879

2584 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,240

2585 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 26,998

2586 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 10,313

2586A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 67,930

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 367,729
FROM TRUST FUNDS 6,403,511

TOTAL POSITIONS 110
TOTAL ALL FUNDS 6,771,240

STATE EMPLOYEE LEASING

2588 SALARIES AND BENEFITS POSITIONS 9
FROM ADMINISTRATIVE TRUST FUND 635,631

PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE

2589 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 208,773

2590 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 58,585

2591 EXPENSES
FROM GENERAL REVENUE FUND 109,743

2592 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 151,247

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2593 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 285

2593A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 64,096

TOTAL: PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE
FROM GENERAL REVENUE FUND 592,729

TOTAL POSITIONS 2
TOTAL ALL FUNDS 592,729

PROGRAM: FACILITIES PROGRAM

From funds in Specific Appropriations 2595 through 2622A, the Facilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Gross square foot construction cost of office facilities: DMS	$89.82
2. Average DMS full service rent - composite cost per net square foot (actual)	$15.39
3. DMS average operations and maintenance cost per net square foot maintained	$5.32

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FACILITIES MANAGEMENT

From funds in Specific Appropriations 2595 and 2597, the department may submit a budget amendment requesting positions in excess should renegotiations for private sector maintenance and grounds keeping services result in a contract that is not cost effective to the state.

2595 SALARIES AND BENEFITS POSITIONS 373
FROM GENERAL REVENUE FUND 214,280
FROM SUPERVISION TRUST FUND 12,434,894

2596 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,000
FROM SUPERVISION TRUST FUND 50,000

2597 EXPENSES
FROM GENERAL REVENUE FUND 112,968
FROM SUPERVISION TRUST FUND 12,160,241

2598 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM SUPERVISION TRUST FUND 141,000

2599 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,270
FROM SUPERVISION TRUST FUND 415,115

2600 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM GENERAL REVENUE FUND 12,000
FROM SUPERVISION TRUST FUND 14,212,461

2600A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM SUPERVISION TRUST FUND 72,452

2603 FIXED CAPITAL OUTLAY
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT
FROM SUPERVISION TRUST FUND 200,000

2604 FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE
FROM SUPERVISION TRUST FUND 458,666

2605 FIXED CAPITAL OUTLAY
CABINET MEETING ROOM RENOVATIONS - DMS MGD
FROM SUPERVISION TRUST FUND 565,376

2606 FIXED CAPITAL OUTLAY
ENVIRONMENTAL PROJECTS - DMS MGD
FROM SUPERVISION TRUST FUND 200,000

2607 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM SUPERVISION TRUST FUND 4,483,982

2608 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 1,794,767
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 30,984,349

TOTAL: FACILITIES MANAGEMENT
FROM GENERAL REVENUE FUND 2,156,285
FROM TRUST FUNDS 76,378,536

TOTAL POSITIONS 373
TOTAL ALL FUNDS 78,534,821

BUILDING CONSTRUCTION

2609 SALARIES AND BENEFITS POSITIONS 38
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 2,223,752

2610 OTHER PERSONAL SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 5,000

2611 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 496,442

2613 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 141,300

2614 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 4,901

2614A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 33,951

Funds in Specific Appropriations 2609 through 2614A from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the department serves as owner-representative on behalf of the state. The assessments for appropriations made for the 2001-2002 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

SECTION 6
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APPROPRIATION

2616 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,500,000

TOTAL: BUILDING CONSTRUCTION
FROM TRUST FUNDS 4,405,346

TOTAL POSITIONS 38
TOTAL ALL FUNDS 4,405,346

FLORIDA CAPITOL POLICE

2617 SALARIES AND BENEFITS POSITIONS 142
FROM SUPERVISION TRUST FUND 4,891,306

2618 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 15,000

2619 EXPENSES
FROM SUPERVISION TRUST FUND 750,861

2620 OPERATING CAPITAL OUTLAY
FROM SUPERVISION TRUST FUND 115,869

2621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 340,582

2622 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM SUPERVISION TRUST FUND 38,064

2622A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM SUPERVISION TRUST FUND 6,969

TOTAL: FLORIDA CAPITOL POLICE
FROM TRUST FUNDS 6,158,651

TOTAL POSITIONS 142
TOTAL ALL FUNDS 6,158,651

PROGRAM: SUPPORT PROGRAM

From funds in Specific Appropriations 2624 through 2653, the Support Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of state term contracts savings	39%
2. Average percent state lease rates are below state commercial lease rates	10%
3. Federal property distribution rate	82%
4. Average minority certification process time (in days)	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AIRCRAFT MANAGEMENT

2624 SALARIES AND BENEFITS POSITIONS 17
FROM BUREAU OF AIRCRAFT TRUST FUND 800,212

2625 OTHER PERSONAL SERVICES
FROM BUREAU OF AIRCRAFT TRUST FUND 39,420

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2626 EXPENSES
FROM GENERAL REVENUE FUND 538,038
FROM BUREAU OF AIRCRAFT TRUST FUND 899,353

2627 OPERATING CAPITAL OUTLAY
FROM BUREAU OF AIRCRAFT TRUST FUND 16,000

2628 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BUREAU OF AIRCRAFT TRUST FUND 16,284

2628A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM BUREAU OF AIRCRAFT TRUST FUND 9,494

TOTAL: AIRCRAFT MANAGEMENT
FROM GENERAL REVENUE FUND 538,038
FROM TRUST FUNDS 1,780,763

TOTAL POSITIONS 17
TOTAL ALL FUNDS 2,318,801

FEDERAL PROPERTY ASSISTANCE

From the funds provided in Specific Appropriations 2630 through 2636A, the department is prohibited from expending funds for the outsourcing of the activities of the Federal Surplus Property Program.

2630 SALARIES AND BENEFITS POSITIONS 15
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 664,031

2631 OTHER PERSONAL SERVICES
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 10,000

2632 EXPENSES
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 285,410

2633 OPERATING CAPITAL OUTLAY
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 5,000

2634 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 153,000

2635 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 1,943

2636 SPECIAL CATEGORIES
REFURBISH SURPLUS PROPERTY
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 5,000

2636A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 55,808

TOTAL: FEDERAL PROPERTY ASSISTANCE
FROM TRUST FUNDS 1,180,192

TOTAL POSITIONS 15
TOTAL ALL FUNDS 1,180,192

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MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

2638	SALARIES AND BENEFITS POSITIONS	9	
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		624,309
2639	OTHER PERSONAL SERVICES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		18,848
2640	EXPENSES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		497,757
2641	OPERATING CAPITAL OUTLAY		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		23,500
2642	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		19,150
2643	SPECIAL CATEGORIES		
	PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		650,000
2643A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		200,158
TOTAL:	MOTOR VEHICLE AND WATERCRAFT MANAGEMENT		
	FROM TRUST FUNDS		2,033,722
	TOTAL POSITIONS	9	
	TOTAL ALL FUNDS		2,033,722

PURCHASING OVERSIGHT

2645	SALARIES AND BENEFITS POSITIONS	61	
	FROM GENERAL REVENUE FUND	570,126	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,380,280
2646	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000
2647	EXPENSES		
	FROM GENERAL REVENUE FUND	392,619	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		487,139
2648	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		76,000
2649	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		570,500
2650	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,046
2650A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		571,436
TOTAL:	PURCHASING OVERSIGHT		
	FROM GENERAL REVENUE FUND	962,745	
	FROM TRUST FUNDS		4,135,401
	TOTAL POSITIONS	61	
	TOTAL ALL FUNDS		5,098,146

SECTION 6
SPECIFIC
APPROPRIATION
OFFICE OF SUPPLIER DIVERSITY

2652	SALARIES AND BENEFITS POSITIONS	21	
	FROM GENERAL REVENUE FUND	944,693	
2652A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,000	
2653	EXPENSES		
	FROM GENERAL REVENUE FUND	238,268	
TOTAL:	OFFICE OF SUPPLIER DIVERSITY		
	FROM GENERAL REVENUE FUND	1,282,961	
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS		1,282,961

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

From funds in Specific Appropriations 2654 through 2660B, the Human Resource Management Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Total program cost per authorized position in the state personnel system.....	$78.76
2. Overall customer satisfaction rating.....	97%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2654 through 2660B from the State Personnel System Trust Fund are based upon a personnel assessment of $59 per position.

2654	SALARIES AND BENEFITS POSITIONS	48	
	FROM GENERAL REVENUE FUND	126,134	
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		2,736,372
2655	OTHER PERSONAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		10,000
2656	EXPENSES		
	FROM GENERAL REVENUE FUND	147,649	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		718,632

From the funds in Specific Appropriation 2656, $100,000 from the Grants and Donations Trust Fund represents fees collected by the ADA Working Group.

2657	OPERATING CAPITAL OUTLAY		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		5,000
2658	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		150,000
2659	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	264	
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		4,402
2659A	SPECIAL CATEGORIES		
	SPECIAL NEEDS ADOPTION INCENTIVES		
	FROM GENERAL REVENUE FUND	140,000	

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2660 SPECIAL CATEGORIES
STATE EMPLOYEE'S CHARITABLE CAMPAIGN
FROM GENERAL REVENUE FUND 17,000

2660A SPECIAL CATEGORIES
DISABILITY CLEARINGHOUSE
FROM GENERAL REVENUE FUND 250,000

2660B DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 1,210,531
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 3,809,306

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 1,891,578
FROM TRUST FUNDS 7,533,712

TOTAL POSITIONS 48
TOTAL ALL FUNDS 9,425,290

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

From the funds in Specific Appropriations 2662 through 2669A, the Insurance Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of all contracted performance standards met.....	96.7%
2. Administrative cost per health-insurance enrollee.....	$226.37

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2662 SALARIES AND BENEFITS POSITIONS 99
FROM PRETAX BENEFITS TRUST FUND 1,157,242
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 75,369
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 3,326,849
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 41,887

2663 OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND 422,370
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 927,630

2664 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 354,117
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 26,546
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 1,215,617
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 41,588

2665 OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND 90,324
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 45,342

2666 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 21,147

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2667 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 28,500,000

From the funds provided in Specific Appropriation 2667, the Department of Management Services is authorized to contract for an audit and evaluation of the state's Group Insurance and Benefits Plans.

2668 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 195,306

2669 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND 20,548
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 1,468
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 53,572
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 764

2669A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PRETAX BENEFITS TRUST FUND 305,520
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 28,215
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 681,685
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 52,272

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 37,585,378

TOTAL POSITIONS 99
TOTAL ALL FUNDS 37,585,378

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

From funds in Specific Appropriations 2671 through 2683, the Retirement Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Administrative cost per active and retired member	$21.68
2. Percent of members satisfied with retirement services.....	93%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2671 through 2677A from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2671 SALARIES AND BENEFITS POSITIONS 209
FROM OPERATING TRUST FUND 8,417,047
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 81,880
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 538,593
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 32,550

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2672 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 161,153
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 52,750
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 100

2673 EXPENSES
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 9,642
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 15,000
FROM OPERATING TRUST FUND 3,834,093
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 216,718
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 92,077
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 12,461

2674 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 429,697
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 12,050
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 2,500

2675 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 4,801

2675A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 3,430,000

Funds in Specific Appropriation 2675A are provided to continue the outsourcing of maintenance and support of the Division of Retirement's Full Service Information System, previously known as the Re-Engineering Improvement Modernization automation project. Of the funds provided, $80,000 shall be used for special project monitoring of the maintenance and support of the System, pursuant to section 282.322, Florida Statutes. The $80,000 shall be transferred to the Technology Review Workgroup pursuant to the provisions of Chapter 216, Florida Statutes.

2676 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 414,300

2677 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 27,777
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 238
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 1,192
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 119

2677A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 508,781
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 12,416

2679 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 340,416

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2680 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 7,299,336

2681 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 5,975

2682 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,576,557

2683 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 13,000

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 9,235,284
FROM TRUST FUNDS 18,327,935

TOTAL POSITIONS 209
TOTAL ALL FUNDS 27,563,219

PROGRAM: TECHNOLOGY PROGRAM

From funds in Specific Appropriations 2684 through 2733, the Technology Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Aggregated discount from commercially available rates for voice and data services	31.82%
2. Percent of state covered by the Joint Task Force Radio System	58%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

TELECOMMUNICATIONS SERVICES

2684 SALARIES AND BENEFITS POSITIONS 98
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,519,377

2685 OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 57,995

2686 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,661,696
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 519,480

2686A AID TO LOCAL GOVERNMENTS
CITY OF MARGATE FIBER OPTIC CABLE EXPANSION - BROWARD COUNTY
FROM GENERAL REVENUE FUND 85,000

2686B AID TO LOCAL GOVERNMENTS
CITY OF COCONUT CREEK FIBER CONNECTION PROJECT - BROWARD COUNTY
FROM GENERAL REVENUE FUND 250,000

2687 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS

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FROM WIRELESS EMERGENCY TELEPHONE SYSTEM
TRUST FUND 21,821,200

From the funds in Specific Appropriation 2687, the following projects are funded:

Enhanced 911 Program - Lafayette County..... 100,000
911 Operations - Union County..... 125,000
911 Addressing and Signage - Dixie County..... 100,000

2688 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS -
WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM
TRUST FUND 25,454,520

2689 OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 100,000

2690 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 124,775,624

2691 SPECIAL CATEGORIES
TELECOMMUNICATIONS INFRASTRUCTURE PROJECT
SYSTEMS (TIPS)
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 5,000,000

2693 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 8,377

2693A DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 1,028,162

TOTAL: TELECOMMUNICATIONS SERVICES
FROM GENERAL REVENUE FUND 335,000
FROM TRUST FUNDS 184,946,431

TOTAL POSITIONS 98
TOTAL ALL FUNDS 185,281,431

WIRELESS SERVICES

2695 SALARIES AND BENEFITS POSITIONS 26
FROM GENERAL REVENUE FUND 786,658
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 114,304
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 765,660

2696 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,000

2697 EXPENSES
FROM GENERAL REVENUE FUND 55,375
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 65,617
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 508,785

2698 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 20,000

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2698A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 3,225,104

2699 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,100
FROM COMMUNICATIONS WORKING CAPITAL
TRUST FUND 169
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 2,457

2699A SPECIAL CATEGORIES
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
CONTRACT PAYMENT
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
FUND 20,000,000

From the funds in Specific Appropriation 2699A, from the Statewide Law Enforcement Radio Trust Fund, the State Technology Office shall pay the outsourcing vendor pursuant to the contract executed for implementation of the Statewide Law Enforcement Radio System. The payments shall not exceed the net trust fund proceeds for the fiscal year.

TOTAL: WIRELESS SERVICES
FROM GENERAL REVENUE FUND 851,133
FROM TRUST FUNDS 24,702,096

TOTAL POSITIONS 26
TOTAL ALL FUNDS 25,553,229

INFORMATION SERVICES

2700 SALARIES AND BENEFITS POSITIONS 142
FROM GENERAL REVENUE FUND 1,137,822
FROM WORKING CAPITAL TRUST FUND 6,115,778

2701 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 160,000
FROM WORKING CAPITAL TRUST FUND 2,005,500

2702 EXPENSES
FROM GENERAL REVENUE FUND 1,198,172
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,300,000
FROM WORKING CAPITAL TRUST FUND 5,688,399

2703 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 90,000
FROM WORKING CAPITAL TRUST FUND 4,565,000

2705 SPECIAL CATEGORIES
DATA CENTER RESEARCH AND DEVELOPMENT
FROM WORKING CAPITAL TRUST FUND 750,000

2711 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM WORKING CAPITAL TRUST FUND 2,500,000

Funds in Specific Appropriation 2711, from the Working Capital Trust Fund, are provided to continue enterprise-wide Independent Research and Advisory Services regarding information technology. These services shall be available to all state entities to assist in the acquisition and management of information technology resources. The Department of Management Services may develop an allocation methodology to provide for the cost-recovery of these funds, if appropriate, subject to the notice and review procedures in section 216.177, Florida Statutes.

The department shall provide summary information regarding Fiscal Year 2000-2001 usage of these services and the resulting cost savings in a report to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, and the Senate Appropriations Committee by September 1, 2001.

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2718 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,567	
FROM WORKING CAPITAL TRUST FUND		27,999
2726A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	2,000	
TOTAL: INFORMATION SERVICES		
FROM GENERAL REVENUE FUND	2,594,561	
FROM TRUST FUNDS		25,952,676
TOTAL POSITIONS	142	
TOTAL ALL FUNDS		28,547,237

STATE TECHNOLOGY OFFICE

2729 SALARIES AND BENEFITS POSITIONS	4	
FROM GENERAL REVENUE FUND	369,964	
2730 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	11,925	
2731 EXPENSES		
FROM GENERAL REVENUE FUND	143,441	
2732 SPECIAL CATEGORIES		
STATE PORTAL DEVELOPMENT		
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000,000
2733 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	799	
TOTAL: STATE TECHNOLOGY OFFICE		
FROM GENERAL REVENUE FUND	526,129	
FROM TRUST FUNDS		4,000,000
TOTAL POSITIONS	4	
TOTAL ALL FUNDS		4,526,129

PROGRAM: CORRECTIONAL PRIVATIZATION COMMISSION

PRIVATE PRISONS OPERATIONS

2734 SALARIES AND BENEFITS POSITIONS	10	
FROM GENERAL REVENUE FUND	256,507	
FROM GRANTS AND DONATIONS TRUST FUND . . .		364,340
2735 EXPENSES		
FROM GENERAL REVENUE FUND	30	
2736 SPECIAL CATEGORIES		
CORRECTIONAL PRIVATIZATION COMMISSION		
FROM GENERAL REVENUE FUND	237,544	
FROM GRANTS AND DONATIONS TRUST FUND . . .		89,727
2737 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	235	
FROM GRANTS AND DONATIONS TRUST FUND . . .		547
2737A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	6,336	
TOTAL: PRIVATE PRISONS OPERATIONS		
FROM GENERAL REVENUE FUND	500,652	
FROM TRUST FUNDS		454,614

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TOTAL POSITIONS	10	
TOTAL ALL FUNDS		955,266

PROGRAM: COMMISSION ON HUMAN RELATIONS

From funds in Specific Appropriations 2739 through 2744A, the Commission on Human Relations will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of civil rights cases resolved within 120 days after filing	60%

HUMAN RELATIONS

2739 SALARIES AND BENEFITS POSITIONS	72	
FROM GENERAL REVENUE FUND	2,466,034	
FROM GRANTS AND DONATIONS TRUST FUND . . .		547,946
2740 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	37,800	
FROM GRANTS AND DONATIONS TRUST FUND . . .		77,040
2741 EXPENSES		
FROM GENERAL REVENUE FUND	520,266	
FROM GRANTS AND DONATIONS TRUST FUND . . .		154,160
2741A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,736	
2742 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	185,729	
FROM GRANTS AND DONATIONS TRUST FUND . . .		11,907
2743 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		36,000
2744 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	4,806	
FROM GRANTS AND DONATIONS TRUST FUND . . .		867
2744A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
TOTAL: HUMAN RELATIONS		
FROM GENERAL REVENUE FUND	3,216,371	
FROM TRUST FUNDS		927,920
TOTAL POSITIONS	72	
TOTAL ALL FUNDS		4,144,291

PROGRAM: ADMINISTRATIVE HEARINGS

From funds in Specific Appropriations 2446 through 2751, the Administrative Hearings Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of cases closed within 120 days after filling	73%

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Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

ADJUDICATION OF DISPUTES

From the funds in Specific Appropriations 2746 through 2751, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 2001. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

2746	SALARIES AND BENEFITS POSITIONS	80	
	FROM ADMINISTRATIVE TRUST FUND		6,650,475
2747	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		481,242
2748	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		1,233,418
2749	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		71,550
2751	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		19,826
TOTAL: ADJUDICATION OF DISPUTES			
	FROM TRUST FUNDS		8,456,511
	TOTAL POSITIONS	80	
	TOTAL ALL FUNDS		8,456,511

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

From the funds in Specific Appropriations 2753 through 2775A the Readiness and Response Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide military unit and personnel (at the Governor's request) that are ready to protect life and property; preserve peace, order and public safety; and to contribute to such state and local programs that add value to the State of Florida:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of supported agencies reporting satisfaction with the department's support for specific missions	90%
Percent of funded positions available for state deployment	99.5%
Additional Approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

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APPROPRIATION
DRUG INTERDICTION AND PREVENTION

2753	SALARIES AND BENEFITS		
	FROM GENERAL REVENUE FUND	50,000	
2754	EXPENSES		
	FROM GENERAL REVENUE FUND	150,000	
	FROM ARMORY BOARD TRUST FUND		5,000,000
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		723,000
2755	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		75,000
TOTAL: DRUG INTERDICTION AND PREVENTION			
	FROM GENERAL REVENUE FUND	200,000	
	FROM TRUST FUNDS		5,798,000
	TOTAL ALL FUNDS		5,998,000

MILITARY READINESS

2756	SALARIES AND BENEFITS POSITIONS	94	
	FROM GENERAL REVENUE FUND	2,290,896	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		830,055
2757	OTHER PERSONAL SERVICES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		118,172
2758	EXPENSES		
	FROM GENERAL REVENUE FUND	3,059,401	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		604,566
2759	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,087	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		186,853
2760	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		225,000
2761	SPECIAL CATEGORIES		
	NATIONAL GUARD TUITION ASSISTANCE		
	FROM GENERAL REVENUE FUND	2,394,315	
2762	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		85,744
2762A	FIXED CAPITAL OUTLAY		
	FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE		
	FROM GENERAL REVENUE FUND	2,000,000	
TOTAL: MILITARY READINESS			
	FROM GENERAL REVENUE FUND	9,746,699	
	FROM TRUST FUNDS		2,050,390
	TOTAL POSITIONS	94	
	TOTAL ALL FUNDS		11,797,089

MILITARY RESPONSE

2763	SALARIES AND BENEFITS POSITIONS	3	
	FROM GENERAL REVENUE FUND	210,271	
2764	EXPENSES		
	FROM GENERAL REVENUE FUND	234,359	
2765	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,358	

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TOTAL: MILITARY RESPONSE
FROM GENERAL REVENUE FUND 452,988

TOTAL POSITIONS 3
TOTAL ALL FUNDS 452,988

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2766 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 2,549,186
FROM ARMORY BOARD TRUST FUND 262,782

2767 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,000

2768 EXPENSES
FROM GENERAL REVENUE FUND 885,399

2769 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 43,290
FROM ARMORY BOARD TRUST FUND 26,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 47,950

2770 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 46,000

2771 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,312

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 3,735,187
FROM TRUST FUNDS 336,732

TOTAL POSITIONS 48
TOTAL ALL FUNDS 4,071,919

FEDERAL/STATE COOPERATIVE AGREEMENTS

2772 SALARIES AND BENEFITS POSITIONS 132
FROM ARMORY BOARD TRUST FUND 4,554,824

2773 OTHER PERSONAL SERVICES
FROM ARMORY BOARD TRUST FUND 247,000

2774 EXPENSES
FROM ARMORY BOARD TRUST FUND 17,171,444

2775 OPERATING CAPITAL OUTLAY
FROM ARMORY BOARD TRUST FUND 126,000

2775A SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES CONTRACTING WITH
MILITARY AFFAIRS
FROM ARMORY BOARD TRUST FUND 4,300,000

Funds in Specific Appropriation 2775A are provided for the About Face Program ($2,500,000) and the Forward March Program ($1,800,000). The source of funds for these expenditures is the Temporary Assistance for Needy Families (TANF) Block Grant.

From the funds in Specific Appropriation 2775A, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

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The Agency Head or his designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS
FROM TRUST FUNDS 26,399,268

TOTAL POSITIONS 132
TOTAL ALL FUNDS 26,399,268

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

From the funds in Specific Appropriations 2777 through 2786, the Utilities Regulation/Consumer Assistance Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide a regulatory environment that facilitates the provision of desired utility services of acceptable quality at fair prices.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Limit in the percent increase in annual utility bill for average residential usage compared to inflation as measured by the Consumer Price Index within:	1%
Consumer calls:	
Percent of calls answered	83%
Average waiting time	2.0 min.
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2777 SALARIES AND BENEFITS POSITIONS 386
FROM REGULATORY TRUST FUND 20,670,541

2778 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 386,714

2779 EXPENSES
FROM REGULATORY TRUST FUND 4,825,511

2780 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 387,546

2781 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 13,101

2783 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM REGULATORY TRUST FUND 15,616

2784 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 42,230

2785 SPECIAL CATEGORIES
ENERGY 2020 STUDY COMMISSION
FROM REGULATORY TRUST FUND 125,000

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2785A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES FOR LIFELINE ENROLLMENT
FROM REGULATORY TRUST FUND 500,000

2786 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 78,548

TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE
FROM TRUST FUNDS 27,044,807

TOTAL POSITIONS 386
TOTAL ALL FUNDS 27,044,807

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2787 SALARIES AND BENEFITS POSITIONS 365
FROM GENERAL REVENUE FUND 8,142,506
FROM ADMINISTRATIVE TRUST FUND 4,938,706
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 16,976
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,705,591

2788 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 437,740

2789 EXPENSES
FROM GENERAL REVENUE FUND 28,132
FROM ADMINISTRATIVE TRUST FUND 2,149,861
FROM GRANTS AND DONATIONS TRUST FUND . . . 732,862

Funds in Specific Appropriation 2789 are authorized for a commission to consult with the Department of Revenue to develop the most practicable methodology in determining the correct property situs for collecting the excise taxes as provided in sections 175.101 and 185.08, Florida Statutes. The Commission shall be comprised of thirteen members appointed as follows. The Governor shall appoint seven members; three of which shall be representatives from the Florida Police Benevolent Association, Inc., three of which shall be representatives from the Florida Professional firefighters, and one of which shall be a representative of the Municipal and Firefighters Section of the Florida Retirement System. The President of the Senate shall appoint four members; one of which shall be a representative from the Florida Insurance Council representing personal lines insurers, one of which shall be a person with an accounting and legal background familiar with insurance related taxes in Florida, one person who shall be a representative of the Florida League of Cities, and the chair of the Senate Finance and Tax or designee. The Speaker of the House shall appoint four members, one which shall be a representative from the American Insurance Association representing commercial insurers, one of which shall be a person with a legal background familiar with insurance related taxes in Florida and one who shall be a representative of the Florida League of Cities, and the chair of the Fiscal Policy and Resources or designee.

The Commission shall develop one or more methodologies which appropriately identifies the property location for the collection of excise taxes from insurers. The recommended methodologies shall provide for the distribution of the insurance premium tax in such a way that no municipality or special fire control district will receive in any year less than it received in the year 2001, and it shall provide that each qualified municipality or special fire control district receive an amount of the insurance premium tax revenue which is equal to the percentage required in the relevant sections of Florida Statutes on the total premiums paid for property and casualty risks in that municipality orspecial fire control district.

The study shall evaluate the impact of various methodologies on participating municipalities and special fire control districts and the cost and feasibility for insurers of complying with each methodology. The Commission shall submit to the Legislature by January 1, 2002, a report containing the results of its study and any recommendations. Until July 1,2002, the Department of Insurance shall not take any action to audit insurers or finalize any pending audits of insurers with respect to the accuracy of coding the location of insured properties for purposes associated with these premium taxes.

All appointments to the Commission shall be made by July 1, 2001. Each Commission member shall be responsible for his/her expenses. The Commission is abolished January 2, 2002. The staffs of the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committee shall provide administrative support for the Commission. All meetings of the Commission shall be held in Tallahassee.

2790 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 257,911

2791 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 179,369

2792 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,946
FROM ADMINISTRATIVE TRUST FUND 191,296
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,423

2792A DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 1,062
FROM ADMINISTRATIVE TRUST FUND 910,333
FROM GRANTS AND DONATIONS TRUST FUND . . . 106

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 8,185,646
FROM TRUST FUNDS 14,526,174

TOTAL POSITIONS 365
TOTAL ALL FUNDS 22,711,820

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2793 through 2811, the Property Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of classes studied found to have a level of assessment of at least 90 percent.....	97.0%
2. Percent of taxing authorities in total or substantial truth in millage compliance on initial submission.....	97.6%
3. Percent of refund and tax certificate applications processed within 30 days of receipt.....	98%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PROPERTY TAX COLLECTION OVERSIGHT

2793 SALARIES AND BENEFITS POSITIONS 16
FROM INTANGIBLE TAX TRUST FUND 607,015

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2794 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 10,000

2795 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 38,653

2796 AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 157,500

2797 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 90,000

2798 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 52,377

TOTAL: PROPERTY TAX COLLECTION OVERSIGHT
FROM TRUST FUNDS 955,545

TOTAL POSITIONS 16
TOTAL ALL FUNDS 955,545

PROPERTY TAX ROLL OVERSIGHT

2799 SALARIES AND BENEFITS POSITIONS 154
FROM INTANGIBLE TAX TRUST FUND 7,094,236

2800 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 478,170

2801 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 1,825,527

2802 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 714,365

2803 AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 457,500

2804 OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 109,859

2805 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 210,000

2806 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 106,247

2806A DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 152,478

TOTAL: PROPERTY TAX ROLL OVERSIGHT
FROM TRUST FUNDS 11,148,382

TOTAL POSITIONS 154
TOTAL ALL FUNDS 11,148,382

TRUTH IN MILLAGE COMPLIANCE

2807 SALARIES AND BENEFITS POSITIONS 6
FROM INTANGIBLE TAX TRUST FUND 277,983

2808 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 4,000

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2809 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 45,088

2810 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 9,116

2811 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 30,723

TOTAL: TRUTH IN MILLAGE COMPLIANCE
FROM TRUST FUNDS 366,910

TOTAL POSITIONS 6
TOTAL ALL FUNDS 366,910

PROGRAM: CHILD SUPPORT

From the funds in Specific Appropriations 2812 through 2836A, the Child Support Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percentage of IV D cases with a court order for support...	50%
2. Total child support dollars collected per $1 of total expenditures.....	$3.99
3. Percent of current support collected, not including arrears...	50%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CHILD SUPPORT ORDER ESTABLISHMENT

2812 SALARIES AND BENEFITS POSITIONS 1,154
FROM GENERAL REVENUE FUND 8,435,707
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 4,908,220
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,923,048

2813 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 81,767
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 47,497
FROM GRANTS AND DONATIONS TRUST FUND . . . 283,151

2814 EXPENSES
FROM GENERAL REVENUE FUND 2,547,206
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 938,136
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,622,261

From the funds in Specific Appropriation 2814, up to $8,500 from the General Revenue Fund and $16,500 from the Grants and Donations Trust Fund may be used by the Department of Revenue to conduct a review of the child support guideline schedule in accordance with the federal Family Support Act of 1988, to ensure appropriate determination of child support award amounts. The analysis of economic data derived from the study must be used in Florida's review of the guidelines to ensure that deviations from them are limited.

2815 OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 16,317

2816 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT
ENFORCEMENT
FROM GENERAL REVENUE FUND 4,782,307
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,911,094
FROM CHILD SUPPORT ENFORCEMENT
APPLICATION AND USER FEE TRUST FUND . . . 80,795
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,994,788

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2817	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	86,914	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		168,714
2817A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	571,630	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,558,702
TOTAL:	CHILD SUPPORT ORDER ESTABLISHMENT		
	FROM GENERAL REVENUE FUND	16,505,531	
	FROM TRUST FUNDS		68,452,723
	TOTAL POSITIONS	1,154	
	TOTAL ALL FUNDS		84,958,254

CHILD SUPPORT COLLECTION AND DISTRIBUTION

2818	SALARIES AND BENEFITS POSITIONS	253	
	FROM GENERAL REVENUE FUND	1,890,060	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,034,952
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,676,625
2819	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	23,873	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		9,861
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,654
2820	EXPENSES		
	FROM GENERAL REVENUE FUND	443,899	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		188,856
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,227,291
2821	OPERATING CAPITAL OUTLAY		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		3,696
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,349
2822	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	3,951,078	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,428,400
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		60,414
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		2,300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,337,165
2823	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,432	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,780
2824	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000
2824A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	252,765	
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,022
	FROM GRANTS AND DONATIONS TRUST FUND . . .		445,536
TOTAL:	CHILD SUPPORT COLLECTION AND DISTRIBUTION		
	FROM GENERAL REVENUE FUND	6,580,107	
	FROM TRUST FUNDS		31,841,601

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	TOTAL POSITIONS	253	
	TOTAL ALL FUNDS		38,421,708

CHILD SUPPORT ENFORCEMENT

2825	SALARIES AND BENEFITS POSITIONS	609	
	FROM GENERAL REVENUE FUND	4,504,640	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,534,163
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,672,827
2826	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	58,436	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		25,081
	FROM GRANTS AND DONATIONS TRUST FUND . . .		147,291
2827	EXPENSES		
	FROM GENERAL REVENUE FUND	3,013,659	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		482,263
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,783,649
2828	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		243,076
2829	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	4,105,563	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,743,815
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		73,754
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,470,223
2830	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	44,881	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		87,121
2830A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	615,425	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,231,699
TOTAL:	CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	12,342,604	
	FROM TRUST FUNDS		40,494,962
	TOTAL POSITIONS	609	
	TOTAL ALL FUNDS		52,837,566

CHILD SUPPORT CUSTOMER SERVICE

2831	SALARIES AND BENEFITS POSITIONS	412	
	FROM GENERAL REVENUE FUND	3,069,170	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,695,653
	FROM GRANTS AND DONATIONS TRUST FUND . . .		9,252,106
2832	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,924	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		19,561
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,904
2833	EXPENSES		
	FROM GENERAL REVENUE FUND	1,131,165	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		508,539
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,180,264
2834	OPERATING CAPITAL OUTLAY		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		13,987
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,147
2835	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		

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FROM GENERAL REVENUE FUND	2,418,199	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		865,090
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		36,588
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,630,765
2836 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	30,029	
FROM GRANTS AND DONATIONS TRUST FUND . . .		58,290
2836A DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	411,719	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,970,905
TOTAL: CHILD SUPPORT CUSTOMER SERVICE		
FROM GENERAL REVENUE FUND	7,100,206	
FROM TRUST FUNDS		29,481,799
TOTAL POSITIONS	412	
TOTAL ALL FUNDS		36,582,005

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2837 through 2875, the General Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Dollars collected voluntarily as a percent of total dollars collected	98%
2. Direct collections per enforcement related dollar spent	$4.57

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

TAXPAYER REGISTRATION AND EDUCATION

2837 SALARIES AND BENEFITS POSITIONS	307	
FROM GENERAL REVENUE FUND	7,216,323	
FROM ADMINISTRATIVE TRUST FUND		2,944,541
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		156,383
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,101,789
2838 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		37,094
2839 EXPENSES		
FROM GENERAL REVENUE FUND	1,582,011	
FROM ADMINISTRATIVE TRUST FUND		1,951,313
FROM GRANTS AND DONATIONS TRUST FUND . . .		497,676
2840 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	48,251	
FROM ADMINISTRATIVE TRUST FUND		139,492
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,744
2841 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	35,428	
FROM ADMINISTRATIVE TRUST FUND		51,026
2841A DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		319,541

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2842 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	1,209	
FROM ADMINISTRATIVE TRUST FUND		265,811
TOTAL: TAXPAYER REGISTRATION AND EDUCATION		
FROM GENERAL REVENUE FUND	8,883,222	
FROM TRUST FUNDS		8,469,410
TOTAL POSITIONS	307	
TOTAL ALL FUNDS		17,352,632

FILING COMPLIANCE

2844 SALARIES AND BENEFITS POSITIONS	619	
FROM GENERAL REVENUE FUND	12,447,028	
FROM ADMINISTRATIVE TRUST FUND		5,414,264
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		270,243
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,435,763
2845 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	491,785	
FROM ADMINISTRATIVE TRUST FUND		682,914
FROM GRANTS AND DONATIONS TRUST FUND . . .		203,010
2846 EXPENSES		
FROM GENERAL REVENUE FUND	1,792,361	
FROM ADMINISTRATIVE TRUST FUND		2,902,836
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,565,525
2847 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	76,876	
FROM ADMINISTRATIVE TRUST FUND		1,634,957
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,822
2848 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		122,850
2849 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	42,434	
FROM ADMINISTRATIVE TRUST FUND		61,119
2849A DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		594,347
2850 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	1,448	
FROM ADMINISTRATIVE TRUST FUND		277,015
TOTAL: FILING COMPLIANCE		
FROM GENERAL REVENUE FUND	14,851,932	
FROM TRUST FUNDS		17,173,665
TOTAL POSITIONS	619	
TOTAL ALL FUNDS		32,025,597

REMITTANCE ACCOUNTING

2852 SALARIES AND BENEFITS POSITIONS	83	
FROM GENERAL REVENUE FUND	2,101,259	
FROM ADMINISTRATIVE TRUST FUND		856,413
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		45,524
FROM GRANTS AND DONATIONS TRUST FUND . . .		63,526
2853 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		17,061

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2854 EXPENSES		
FROM GENERAL REVENUE FUND	319,843	
FROM ADMINISTRATIVE TRUST FUND		394,127
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,006
2854A AID TO LOCAL GOVERNMENTS		
EMERGENCY DISTRIBUTIONS		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		8,807,042
2854B AID TO LOCAL GOVERNMENTS		
INMATE SUPPLEMENTAL DISTRIBUTION		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
2855 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	34,127	
FROM ADMINISTRATIVE TRUST FUND		216,123
FROM GRANTS AND DONATIONS TRUST FUND . . .		95
2856 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		6,850
2857 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,867	
FROM ADMINISTRATIVE TRUST FUND		14,209
2857A DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,391
2858 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	339	
FROM ADMINISTRATIVE TRUST FUND		79,345
TOTAL: REMITTANCE ACCOUNTING		
FROM GENERAL REVENUE FUND	2,465,435	
FROM TRUST FUNDS		11,109,670
TOTAL POSITIONS	83	
TOTAL ALL FUNDS		13,575,105

ENFORCED COMPLIANCE

2860 SALARIES AND BENEFITS POSITIONS	1,635	
FROM GENERAL REVENUE FUND	43,607,148	
FROM ADMINISTRATIVE TRUST FUND		18,645,762
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		784,098
FROM GRANTS AND DONATIONS TRUST FUND . . .		7,168,186
2861 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		63,616
2862 EXPENSES		
FROM GENERAL REVENUE FUND	6,908,842	
FROM ADMINISTRATIVE TRUST FUND		9,197,989
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		261,559
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,482,195
2863 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	281,979	
FROM ADMINISTRATIVE TRUST FUND		659,101
FROM GRANTS AND DONATIONS TRUST FUND . . .		14,040
2864 SPECIAL CATEGORIES		
CONTRACT AUDITING		
FROM GENERAL REVENUE FUND	837,798	
FROM ADMINISTRATIVE TRUST FUND		1,162,200

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2865 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		370,300
2866 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	192,550	
FROM ADMINISTRATIVE TRUST FUND		277,339
2866A DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		945,843
2867 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	6,569	
FROM ADMINISTRATIVE TRUST FUND		1,367,430
TOTAL: ENFORCED COMPLIANCE		
FROM GENERAL REVENUE FUND	51,834,886	
FROM TRUST FUNDS		42,399,658
TOTAL POSITIONS	1,635	
TOTAL ALL FUNDS		94,234,544

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

2869 SALARIES AND BENEFITS POSITIONS	165	
FROM GENERAL REVENUE FUND	3,924,977	
FROM ADMINISTRATIVE TRUST FUND		1,637,452
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		402,408
FROM GRANTS AND DONATIONS TRUST FUND . . .		409,605
FROM WORKING CAPITAL TRUST FUND		1,331,991
2870 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		793,988
FROM WORKING CAPITAL TRUST FUND		17,680
2871 EXPENSES		
FROM GENERAL REVENUE FUND	143,512	
FROM ADMINISTRATIVE TRUST FUND		1,870,568
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
FROM GRANTS AND DONATIONS TRUST FUND . . .		991,317
FROM WORKING CAPITAL TRUST FUND		4,131,621
2872 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		113,115
FROM GRANTS AND DONATIONS TRUST FUND . . .		34,094
FROM WORKING CAPITAL TRUST FUND		644,879
2873 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,872	
FROM ADMINISTRATIVE TRUST FUND		12,256
FROM WORKING CAPITAL TRUST FUND		3,487
2873A DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM WORKING CAPITAL TRUST FUND		354,573
2874 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM ADMINISTRATIVE TRUST FUND		3,421,086
2875 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM ADMINISTRATIVE TRUST FUND		384,000

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TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 4,075,361
FROM TRUST FUNDS 16,600,737

TOTAL POSITIONS 165
TOTAL ALL FUNDS 20,676,098

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

PROGRAM: OFFICE OF THE SECRETARY AND
ADMINISTRATIVE SERVICES

From the funds in Specific Appropriations 2877 through 2894, the Office of the Secretary and Administrative Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to administer the statutory responsibilities of the Secretary of State in regard to International Affairs and to administer the Notary commissions, Apostilles certifications while providing enhanced public access and to help people reach their goals for improved social and economic conditions in Central America and the Caribbean through training and technical assistance.

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of clients who indicate assistance is very responsive, as measured by survey	60%
Percent of overseas clients who indicate assistance is very responsive	96%

ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS

2877 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 307,461
FROM GRANTS AND DONATIONS TRUST FUND . . . 177,574

Funds in Specific Appropriations 2877 through 2887 are provided for the Office of the Secretary and Administrative Services Program in the Department of State. This program includes the Advocating International Business Partnerships Service. As a result of Amendment No. 8 to the State Constitution, the Secretary of State will no longer be an elected constitutional officer or a member of the Cabinet after January 7, 2003. Chapter 2000-258, L.O.F., was based on the recommendations made by the Constitution Transition Task Force regarding which functions the department should continue to perform. One of the recommendations was to transfer responsibility for linkage institutes from the Department of Education to the Department of State. In order to further analyze the various statutory functions of the department during the transition period from a Cabinet agency to an Executive agency, a Joint International Program Review Team, with analytical support from the Office of Program Policy Analysis and Government Accountability shall conduct a review and evaluation of the agency's programs and services. The review team shall consist of the following members: (a) one individual appointed by the Governor; (b) two individuals appointed by the President of the Senate; and (c) two individuals appointed by the Speaker of the House of Representatives. None of the appointees shall be elected officials. The review and evaluation should consider all expenditures from any appropriation made to the Department of State that are related to the Advocating International Business Partnerships Service and the Office of International Affairs for the period of July 1, 1999 through June 30, 2002. The report should include recommendations of which functions the department should continue to perform. The report of the findings and evaluation shall be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives.

2878 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 395,000

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2879 EXPENSES
FROM GENERAL REVENUE FUND 1,021,805
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,672

2880 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,000

2881 SPECIAL CATEGORIES
INTERNATIONAL REPRESENTATION AND ADVOCACY
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000

2882 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ASSOCIATION OF VOLUNTEER AGENCIES FOR CARIBBEAN ACTION
FROM GENERAL REVENUE FUND 200,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,212

2883 SPECIAL CATEGORIES
SISTER CITIES/SISTER STATE GRANTS PROGRAM
FROM GENERAL REVENUE FUND 100,000

2884 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S GULF STATES ACCORD
FROM GENERAL REVENUE FUND 100,000

2885 SPECIAL CATEGORIES
GRANTS AND AIDS - LINKAGE INSTITUTES
FROM GENERAL REVENUE FUND 200,000

2886 SPECIAL CATEGORIES
GRANTS AND AIDS - FREE TRADE AREA OF AMERICAS
FROM GENERAL REVENUE FUND 150,000

2887 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 35,000

TOTAL: ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS
FROM GENERAL REVENUE FUND 2,539,266
FROM TRUST FUNDS 941,458

TOTAL POSITIONS 10
TOTAL ALL FUNDS 3,480,724

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2888 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 2,868,176
FROM CORPORATIONS TRUST FUND 145,998
FROM DIVISION OF LICENSING TRUST FUND . . 128,182

2890 EXPENSES
FROM GENERAL REVENUE FUND 299,202
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 251,322

2891 OPERATING CAPITAL OUTLAY
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 21,727

2892 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 39,619

2893 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,041

2894 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

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FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,212,038	
FROM TRUST FUNDS		590,402
TOTAL POSITIONS	64	
TOTAL ALL FUNDS		3,802,440

PROGRAM: ELECTIONS

From the funds in Specific Appropriations 2895 through 2900, the Elections Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of survey respondents satisfied with services: Quality and timeliness of response	90%
Percent of training session/workshop attendees satisfied: Quality of content and applicability of materials presented	98%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

ELECTION RECORDS, LAWS AND CODES

2895 SALARIES AND BENEFITS POSITIONS 45		
FROM GENERAL REVENUE FUND	1,569,531	
FROM PUBLICATIONS REVOLVING TRUST FUND		331,097

From the funds and positions in Specific Appropriations 2895 through 2898A, 6 positions and $629,643 from the General Revenue Fund are provided for Voting System Improvements.

2896 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,150	
FROM PUBLICATIONS REVOLVING TRUST FUND		40,320
2897 EXPENSES		
FROM GENERAL REVENUE FUND	832,543	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		621,699
FROM PUBLICATIONS REVOLVING TRUST FUND		313,169
2898 AID TO LOCAL GOVERNMENTS PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	75,000	
2898A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	146,172	
2898B SPECIAL CATEGORIES VOTING SYSTEMS ASSISTANCE		
FROM GENERAL REVENUE FUND	20,000,000	

Funds in Specific Appropriation 2898B shall be allocated based upon substantive legislation becoming law which directs the use and distribution of funds for voting system improvements. If substantive legislation fails to become law, the Department of State shall submit a detailed plan to the Legislature for the use and distribution of voting system improvement funds. Such plan shall be subject to Legislative notice and review under s. 216.177, Florida Statutes, prior to the release of any funds.

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2899 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	30,657	
2900 SPECIAL CATEGORIES ELECTION FRAUD PREVENTION		
FROM GENERAL REVENUE FUND	600,000	
TOTAL: ELECTION RECORDS, LAWS AND CODES		
FROM GENERAL REVENUE FUND	23,257,053	
FROM TRUST FUNDS		1,306,285
TOTAL POSITIONS	45	
TOTAL ALL FUNDS		24,563,338

PROGRAM: HISTORICAL RESOURCES

From the funds in Specific Appropriations 2901 through 2917, the Historical Resources Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Total number of properties protected or preserved	7,900
Percentage of customers satisfied with the quality/timeliness of technical assistance provided	96%
Number of copies or viewings of publications, including web hits	4,000,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2901 SALARIES AND BENEFITS POSITIONS 9		
FROM GENERAL REVENUE FUND	405,287	
2902 EXPENSES		
FROM GENERAL REVENUE FUND	541,339	
FROM OPERATING TRUST FUND		116,450
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		51,583
2903 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	887	
FROM OPERATING TRUST FUND		2,914
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	947,513	
FROM TRUST FUNDS		170,947
TOTAL POSITIONS	9	
TOTAL ALL FUNDS		1,118,460

HISTORIC MUSEUMS CONSERVATION

2904 SALARIES AND BENEFITS POSITIONS 32		
FROM GENERAL REVENUE FUND	975,189	
FROM OPERATING TRUST FUND		130,420
2905 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	125,000	
FROM OPERATING TRUST FUND		135,000

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2906 EXPENSES
FROM GENERAL REVENUE FUND 693,083
FROM OPERATING TRUST FUND 185,056

2906A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 145,000

2907 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS
FROM GENERAL REVENUE FUND 500,000
FROM OPERATING TRUST FUND 1,425,000

2907A FIXED CAPITAL OUTLAY
OLD CAPITOL - MUSEUM OF GOVERNANCE AND POLITICAL HISTORY - DMS MGD
FROM GENERAL REVENUE FUND 400,000
FROM CULTURAL INSTITUTIONS TRUST FUND . . 1,100,000
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 1,500,000

TOTAL: HISTORIC MUSEUMS CONSERVATION
FROM GENERAL REVENUE FUND 2,838,272
FROM TRUST FUNDS 4,475,476

TOTAL POSITIONS 32
TOTAL ALL FUNDS 7,313,748

HISTORIC PROPERTIES PRESERVATION

2908 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,147,631
FROM OPERATING TRUST FUND 130,030

2909 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 385,488

2910 EXPENSES
FROM GENERAL REVENUE FUND 326,470
FROM OPERATING TRUST FUND 275,000

2911 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 122,500

2912 SPECIAL CATEGORIES
HISTORIC PRESERVATION GRANTS
FROM OPERATING TRUST FUND 2,585,870

2912A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM GENERAL REVENUE FUND 17,216,358

Funds in Specific Appropriation 2912A are provided to fund the historical preservation projects that were selected in accordance with Rule 1A-35.007, Florida Administrative Code.

2912B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
HISTORICAL PROJECTS
FROM GENERAL REVENUE FUND 480,000

Funds in Specific Appropriation 2912B are provided for the following programs and projects:

Old Courthouse Exterior Restoration..... 230,000
Biltmore Complex in Coral Gables..... 250,000

TOTAL: HISTORIC PROPERTIES PRESERVATION
FROM GENERAL REVENUE FUND 19,170,459
FROM TRUST FUNDS 3,498,888

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TOTAL POSITIONS 29
TOTAL ALL FUNDS 22,669,347

ARCHAEOLOGICAL RESEARCH

2913 SALARIES AND BENEFITS POSITIONS 26
FROM GENERAL REVENUE FUND 676,465
FROM GRANTS AND DONATIONS TRUST FUND . . . 325,748

2914 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 27,626
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,391,410
FROM OPERATING TRUST FUND 154,981
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 193,585

2915 EXPENSES
FROM GENERAL REVENUE FUND 342,694
FROM GRANTS AND DONATIONS TRUST FUND . . . 614,850
FROM OPERATING TRUST FUND 167,726
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 19,915

2916 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 11,500

2917 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 34,746

TOTAL: ARCHAEOLOGICAL RESEARCH
FROM GENERAL REVENUE FUND 1,081,531
FROM TRUST FUNDS 4,029,715

TOTAL POSITIONS 26
TOTAL ALL FUNDS 5,111,246

PROGRAM: CORPORATIONS

From the funds in Specific Appropriations 2918 through 2922, the Corporations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent client satisfaction with the division's services	91%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMMERCIAL RECORDINGS AND REGISTRATIONS

2918 SALARIES AND BENEFITS POSITIONS 194
FROM CORPORATIONS TRUST FUND 7,437,943

Funds in Specific Appropriation 2918 through 2922 reflect creation of a Florida secured transaction registry, which shall be maintained by another entity under contract, for the filings under Chapter 679, Florida Statutes. These funds are contingent upon substantive legislation becoming law creating the secured transaction registry and a successful contracting process. In the event that such substantive legislation does not become law, or the contracting process fails, the Executive Office of the Governor is authorized to restore positions and budget within the Department of State to administer filings under Chapter 679, Florida Statutes.

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2919 EXPENSES
FROM CORPORATIONS TRUST FUND 4,260,924
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 180,000

2919A OPERATING CAPITAL OUTLAY
FROM CORPORATIONS TRUST FUND 79,950

2920 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM CORPORATIONS TRUST FUND 200,000

2921 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CORPORATIONS TRUST FUND 11,964

2922 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM CORPORATIONS TRUST FUND 249,361

TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS
FROM TRUST FUNDS 12,420,142

TOTAL POSITIONS 194
TOTAL ALL FUNDS 12,420,142

PROGRAM: LIBRARY AND INFORMATION SERVICES

From the funds in Specific Appropriations 2923 through 2931A, the Library and Information Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Annual increase in use of public library services	2%
Annual increase in usage of research collections (State Library)	3%
Annual cost-avoidance achieved by government agencies throught records storage/disposition/micrographics	$58,000,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LIBRARY, ARCHIVES AND INFORMATION SERVICES

2923 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 2,956,399
FROM LIBRARY SERVICES TRUST FUND 660,526
FROM RECORDS MANAGEMENT TRUST FUND 1,019,599

2924 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 136,466
FROM LIBRARY SERVICES TRUST FUND 75,826
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 298,984
FROM RECORDS MANAGEMENT TRUST FUND 16,122

2925 EXPENSES
FROM GENERAL REVENUE FUND 2,098,881
FROM LIBRARY SERVICES TRUST FUND 425,121
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 624,795
FROM RECORDS MANAGEMENT TRUST FUND 542,305

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2926 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HISTORICAL RECORDS GRANTS
FROM LIBRARY SERVICES TRUST FUND 25,000

2926A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND 1,200,000

2927 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 32,400,000
FROM LIBRARY SERVICES TRUST FUND 6,370,003

2928 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,385
FROM LIBRARY SERVICES TRUST FUND 7,522
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 186,500
FROM RECORDS MANAGEMENT TRUST FUND 63,197

2928A SPECIAL CATEGORIES
GRANTS AND AIDS - LITERACY GRANTS
FROM GENERAL REVENUE FUND 250,000

2929 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 611,389
FROM LIBRARY SERVICES TRUST FUND 257,497

2930 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 84,718

2931 FIXED CAPITAL OUTLAY
LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 6,287,137

Funds in Specific Appropriation 2931 are to be expended for library construction projects that are in compliance with Section 257.191, Florida Statutes, and Chapter 1B-2.011, Florida Administrative Code.

2931A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LIBRARY PROJECTS
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 2931A are provided for the construction of the Fort Walton Beach Library.

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND 46,265,375
FROM TRUST FUNDS 10,572,997

TOTAL POSITIONS 120
TOTAL ALL FUNDS 56,838,372

PROGRAM: CULTURAL AFFAIRS

From the funds in Specific Appropriations 2932 through 2947A, the Cultural Affairs Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Attendance at supported cultural events	22,100,000
Number of individuals served by professional	

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|associations.....4,000,000 |
| |
|Additional approved performance measures and standards are |
|established in the FY 2001-2002 Implementing Bill and are |
|incorporated herein by reference. |

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2932	SALARIES AND BENEFITS POSITIONS	19	
	FROM GENERAL REVENUE FUND	532,292	
	FROM FINE ARTS COUNCIL TRUST FUND		255,398
2933	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		20,600
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		79,500
2934	EXPENSES		
	FROM GENERAL REVENUE FUND	67,787	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND .		218,255
	FROM FINE ARTS COUNCIL TRUST FUND		199,486
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		109,936
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		51,156
2935	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,818	
2936	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ARTS LICENSE PLATES		
	FROM FINE ARTS COUNCIL TRUST FUND		750,000
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	615,897	
	FROM TRUST FUNDS		1,684,331
	TOTAL POSITIONS	19	
	TOTAL ALL FUNDS		2,300,228

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2938	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS GRANTS		
	FROM FINE ARTS COUNCIL TRUST FUND		130,279
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		2,700,000
2939	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SCIENCES GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2940	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS IN EDUCATION GRANTS		
	FROM GENERAL REVENUE FUND	250,000	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2941	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		400,000
2942	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2942A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FINE ARTS ENDOWMENT		
	FROM GENERAL REVENUE FUND	1,440,000	

Funds provided in Specific Appropriation 2942A are to be divided equally among the following organizations: Bok Tower Gardens Foundation; Caldwell Theatre Company; South Florida Art Center; Florida Holocaust Museum; MOSAIC; and Mote Marine Laboratory.

2943	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		300,000
2944	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2945	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL INSTITUTIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,495,872
2946	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES		
	FROM GENERAL REVENUE FUND	278,655	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		151,345
2946A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL PROJECTS		
	FROM GENERAL REVENUE FUND	2,008,000	

Funds in Specific Appropriation 2946A are provided for the following programs and projects:

Freedom Towers Museum - Dade.....	100,000
African American Museum of the Arts - Volusia.....	30,000
Smithsonian Marine Station Extension-Public Outreach & Educ	155,000
Bay of Pigs Museum & Library - Dade.....	63,000
Miami Beach Holocaust Memorial.....	100,000
Islamorada Restoration of Pacific Reef Lighthouse.....	10,000
Hallandale Cultural Community Center.....	50,000
Tarpon Springs Heritage Museum & Park.....	150,000
Brandon Main Street Project - Paul's Drive Improvement.....	600,000
South Florida Museum/Bishop Planetarium.....	750,000

2947	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE TOURING PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		200,000
2947A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	16,069,740	

From the funds in Specific Appropriation 2947A are provided to fund the cultural facility projects that were selected, in accordance with Rule 1T-1.001, Florida Administrative Code, and Section 265.701, Florida Statutes.

TOTAL:	CULTURAL SUPPORT AND DEVELOPMENT GRANTS		
	FROM GENERAL REVENUE FUND	20,046,395	
	FROM TRUST FUNDS		11,627,496
	TOTAL ALL FUNDS		31,673,891

PROGRAM: LICENSING

From the funds in Specific Appropriations 2948 through 2953, the Licensing Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	

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Percent of Security, Investigative and Recovery licenses issued within 90 days of receipt of an application	87%
Percent of license revocations or suspensions initiated within 20 days of receipt of disqualifying information (all license types)	85%
Percent/number of Concealed Weapon/Firearm licenses issued within 90 day statutory timeframe without fingerprint results	7%/1,978
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMPLIANCE AND ENFORCEMENT

2948 SALARIES AND BENEFITS POSITIONS 136
FROM DIVISION OF LICENSING TRUST FUND . . 5,133,974

2949 OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 362,233

2950 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 5,701,654

2951 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 589,534

2952 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM DIVISION OF LICENSING TRUST FUND . . 102,000

2953 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND . . 48,729

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 11,938,124

TOTAL POSITIONS 136
TOTAL ALL FUNDS 11,938,124

HISTORIC PRESERVATION BOARDS

PROGRAM: HISTORIC PENSACOLA PRESERVATION BOARD

From the funds in Specific Appropriations 2953A through 2953D, the Historic Pensacola Preservation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of visitors to Board managed properties	150,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HISTORIC PROPERTIES MANAGEMENT

2953A SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 507,029

2953B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,304

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2953C EXPENSES
FROM GENERAL REVENUE FUND 21,447

2953D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 64,338

2953E SPECIAL CATEGORIES
HISTORIC PENSACOLA PROJECTS
FROM GENERAL REVENUE FUND 2,650,000

Funds in Specific Appropriation 2953E are provided for the following programs and projects:

Historic Preservation Board..... 2,000,000
T.T. Wentworth Museum and Historic Pensacola Village..... 650,000

TOTAL: HISTORIC PROPERTIES MANAGEMENT

FROM GENERAL REVENUE FUND 3,296,118

TOTAL POSITIONS 14
TOTAL ALL FUNDS 3,296,118

PROGRAM: RINGLING MUSEUM OF ART

RINGLING MUSEUM OPERATIONS

2953F SPECIAL CATEGORIES
TRANSFER RINGLING FUNDING TO THE FLORIDA STATE UNIVERSITY
FROM CULTURAL INSTITUTIONS TRUST FUND . . 2,256,646

TOTAL OF SECTION 6 POSITIONS 21,128

FROM GENERAL REVENUE FUND 818,792,364

FROM TRUST FUNDS 2289,859,817

TOTAL ALL FUNDS 3108,652,181

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The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

The agencies receiving appropriations from the judicial branch section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);

2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;

3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;

4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and

5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

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STATE COURT SYSTEM

In the event of a General Revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to Chapter 216, Florida Statutes, funds in Specific Appropriations 2954 through 3033, provided to pay the salaries of judges and their judicial assistants, retired judges, court reporter services, juror meals and lodging, and juror and witness payments, shall be deducted from the total amount of judicial branch General Revenue monies against which an across the board percentage reduction may be applied pursuant to section 216.221 (3), Florida Statutes.

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

2954	SALARIES AND BENEFITS POSITIONS	88	
	FROM GENERAL REVENUE FUND	5,656,927	
2955	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	133,278	
2956	EXPENSES		
	FROM GENERAL REVENUE FUND	1,065,118	
2957	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	72,945	
2958	SPECIAL CATEGORIES		
	DISCRETIONARY FUNDS OF THE CHIEF JUSTICE		
	FROM GENERAL REVENUE FUND	5,000	

Funds in Specific Appropriation 2958 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2959	SPECIAL CATEGORIES		
	SUPREME COURT LAW LIBRARY		
	FROM GENERAL REVENUE FUND	339,597	
2960	SPECIAL CATEGORIES		
	COMPUTER SUBSCRIPTION SERVICES		
	FROM GENERAL REVENUE FUND	189,010	
TOTAL:	COURT OPERATIONS - SUPREME COURT		
	FROM GENERAL REVENUE FUND	7,461,875	
	TOTAL POSITIONS	88	
	TOTAL ALL FUNDS		7,461,875

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2961	SALARIES AND BENEFITS POSITIONS	132	
	FROM GENERAL REVENUE FUND	6,123,601	
	FROM COURT EDUCATION TRUST FUND		180,040
	FROM MEDIATION AND ARBITRATION TRUST FUND		282,568
	FROM GRANTS AND DONATIONS TRUST FUND . . .		331,935
	FROM FAMILY COURTS TRUST FUND		325,826
2962	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	259,738	
	FROM COURT EDUCATION TRUST FUND		158,500
	FROM MEDIATION AND ARBITRATION TRUST FUND		265,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		85,000
	FROM FAMILY COURTS TRUST FUND		14,600
2963	EXPENSES		
	FROM GENERAL REVENUE FUND	1,533,202	
	FROM COURT EDUCATION TRUST FUND		1,259,447

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	FROM MEDIATION AND ARBITRATION TRUST FUND		212,024
	FROM GRANTS AND DONATIONS TRUST FUND . . .		94,697
	FROM FAMILY COURTS TRUST FUND		59,574
2964	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	949,652	
2965	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	97,318	
2966	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	134,086	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	9,097,597	
	FROM TRUST FUNDS		3,269,211
	TOTAL POSITIONS	132	
	TOTAL ALL FUNDS		12,366,808

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2967	AID TO LOCAL GOVERNMENTS		
	CONFLICT COUNSEL DEMONSTRATION PROJECT		
	FROM COUNTY ARTICLE V TRUST FUND		5,707,000

Funds in Specific Appropriation 2967, from the County Article V Trust Fund, are provided to continue the criminal trial court conflict counsel pilot projects initially approved in the FY 2000-01 General Appropriations Act, as follows:

$ 285,350 for Polk County;
$ 4,280,250 for Dade County; and
$ 1,141,400 for Hillsborough County.

2968	AID TO LOCAL GOVERNMENTS		
	CONTINGENCY FUND FOR SMALL COUNTIES FOR EXTRAORDINARY CASE RELATED EXPENSES		
	FROM COUNTY ARTICLE V TRUST FUND		1,000,000

Funds in Specific Appropriation 2968 are provided for counties with populations less than 90,000 to cover extraordinary and unforeseen criminal trial case-related costs.

2969	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTICLE V		
	FROM COUNTY ARTICLE V TRUST FUND		10,793,268

The funds in Specific Appropriation 2969 shall be distributed as follows: counties with populations less than 90,000 shall each receive a minimum of $100,000, and the remaining funds shall be distributed among the other counties on a pro-rata basis according to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator. The Office of the State Courts Administrator shall provide a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting describing the distribution of these funds for FY 01-02.

2970	AID TO LOCAL GOVERNMENTS		
	SMALL COUNTY COURTHOUSE FACILITIES		
	FROM COUNTY ARTICLE V TRUST FUND		3,338,186

The funds in Specific Appropriation 2970, are provided for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure compliance with the Americans with Disabilities Act and other federal and state requirements, other renovations in court facilities, improvements in court security, and other costs paid by the county pursuant to sections

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27.006, 34.171 or 43.28, Florida Statutes, and any other court-ordered improvements, as follows:

Bradford (CBIR 135)	150,000
Calhoun	100,000
Columbia (CBIR 68)	100,000
Dixie (CBIR 2145)	100,000
Gilchrist (CBIR 2227)	250,000
Glades (CBIR 1018)	250,000
Gulf (CBIR 2069)	100,000
Hamilton (CBIR 2357)	250,000
Hardee	413,186
Hendry (CBIR 1884)	200,000
Holmes (CBIR 197)	150,000
Lafayette (CBIR 2357)	150,000
Madison (CBIR 2462)	75,000
Okeechobee (CBIR 158)	500,000
Taylor (CBIR 2238)	150,000
Union (CBIR 446)	75,000
Walton (CBIR 1526)	225,000
Washington	100,000

2972 SPECIAL CATEGORIES
SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT
CONFLICT CASES
FROM COUNTY ARTICLE V TRUST FUND 250,000

Funds in Specific Appropriation 2972 for Sexually Violent Predator Civil Commitment conflict cases shall be used to compensate court appointed attorneys who are members of the Florida Bar and have been approved by the circuit's conflict committee to handle such cases. Additionally, these funds may be used for case-related expenses associated with Sexually Violent Predator Civil Commitment cases, including, but not limited to, expert witness fees and court reporter costs. If the funds in Specific Appropriation 2972 are insufficient to meet the reasonable and necessary court appointed attorney fees and case-related expenses in Sexually Violent Predator Civil Commitment proceedings, the funds designated for distribution to the counties pursuant to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator may be redirected to cover any deficit in this special appropriation category, in accordance with any applicable provisions of Chapter 216, Florida Statutes.

2973 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,864,581

2974 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,576

2975 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND
WITNESSES
FROM GENERAL REVENUE FUND 5,136,910

2976 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 215,825

2977 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 443,035

From the funds in Specific Appropriation 2977, $41,250 is contingent upon passage of legislation authorizing new judgeships.

2978 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 157,914

2978A SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM COUNTY ARTICLE V TRUST FUND 3,525,887

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Funds provided in Specific Appropriation 2978A are provided for counties to defray the costs of reporting depositions and court proceedings that are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1999-2000 felony filings per county.

2978B SPECIAL CATEGORIES
GRANTS AND AIDS - STATE ATTORNEY AND
PUBLIC DEFENDER OPERATIONS
FROM COUNTY ARTICLE V TRUST FUND 3,495,589

Funds in Specific Appropriation 2978B shall be distributed to the offices of the State Attorneys and Public Defenders as follows:

STATE ATTORNEYS:	
First Judicial Circuit	85,752
Second Judicial Circuit	51,249
Third Judicial Circuit	29,472
Fourth Judicial Circuit	141,054
Fifth Judicial Circuit	84,763
Sixth Judicial Circuit	174,636
Seventh Judicial Circuit	93,663
Eighth Judicial Circuit	53,712
Ninth Judicial Circuit	128,394
Tenth Judicial Circuit	80,218
Eleventh Judicial Circuit	334,780
Twelfth Judicial Circuit	77,778
Thirteenth Judicial Circuit	137,647
Fourteenth Judicial Circuit	41,418
Fifteenth Judicial Circuit	134,584
Sixteenth Judicial Circuit	26,936
Seventeenth Judicial Circuit	200,865
Eighteenth Judicial Circuit	111,484
Nineteenth Judicial Circuit	57,915
Twentieth Judicial Circuit	100,205

PUBLIC DEFENDERS:	
First Judicial Circuit	62,142
Second Judicial Circuit	43,440
Third Judicial Circuit	20,416
Fourth Judicial Circuit	84,640
Fifth Judicial Circuit	42,555
Sixth Judicial Circuit	111,667
Seventh Judicial Circuit	59,633
Eighth Judicial Circuit	37,564
Ninth Judicial Circuit	74,048
Tenth Judicial Circuit	58,135
Eleventh Judicial Circuit	194,791
Twelfth Judicial Circuit	50,622
Thirteenth Judicial Circuit	103,774
Fourteenth Judicial Circuit	29,858
Fifteenth Judicial Circuit	98,831
Sixteenth Judicial Circuit	23,112
Seventeenth Judicial Circuit	118,533
Eighteenth Judicial Circuit	52,274
Nineteenth Judicial Circuit	38,084
Twentieth Judicial Circuit	44,945

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 8,831,841
FROM TRUST FUNDS 28,109,930

TOTAL ALL FUNDS 36,941,771

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL

2979 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 7,603,901

2980 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 71,681

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2981 EXPENSES
FROM GENERAL REVENUE FUND 731,502

2982 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,942

2983 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,612

2984 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 148,963

TOTAL: COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 8,634,601

TOTAL POSITIONS 107
TOTAL ALL FUNDS 8,634,601

COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL

2985 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 7,005,630

2986 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 59,629

2987 EXPENSES
FROM GENERAL REVENUE FUND 467,752

2988 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,297

2989 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,264

2990 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 148,116

TOTAL: COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 7,708,688

TOTAL POSITIONS 98
TOTAL ALL FUNDS 7,708,688

COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL

2991 SALARIES AND BENEFITS POSITIONS 75
FROM GENERAL REVENUE FUND 5,589,719

2992 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 144,257

2993 EXPENSES
FROM GENERAL REVENUE FUND 436,811

2994 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 34,845

2995 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,066

2996 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 142,822

TOTAL: COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 6,357,520

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TOTAL POSITIONS 75
TOTAL ALL FUNDS 6,357,520

COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL

2997 SALARIES AND BENEFITS POSITIONS 85
FROM GENERAL REVENUE FUND 6,235,125

2998 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 132,462

2999 EXPENSES
FROM GENERAL REVENUE FUND 672,491

3000 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,345

3001 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,409

3002 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 125,196

TOTAL: COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 7,208,028

TOTAL POSITIONS 85
TOTAL ALL FUNDS 7,208,028

COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL

3003 SALARIES AND BENEFITS POSITIONS 69
FROM GENERAL REVENUE FUND 4,942,746

3004 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,792

3005 EXPENSES
FROM GENERAL REVENUE FUND 543,630

3006 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,359

3007 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,349

3008 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 110,265

TOTAL: COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 5,697,141

TOTAL POSITIONS 69
TOTAL ALL FUNDS 5,697,141

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

3009 SALARIES AND BENEFITS POSITIONS 1,772
FROM GENERAL REVENUE FUND 136,482,456
FROM GRANTS AND DONATIONS TRUST FUND . . . 683,745
FROM FAMILY COURTS TRUST FUND 4,508,453

From the funds in Specific Appropriations 3009, 3010, 3011, 3015 and 3023A, the following is provided for Dependency Court programs:

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$ 154,054 in recurring General Revenue and 2 FTE for the Fifth Judicial Circuit;
$ 499,736 in recurring General Revenue and 8 FTE for the Thirteenth Judicial Circuit;
$ 420,200 in recurring General Revenue and 5 FTE for the Seventeenth Judicial Circuit (CBIR 1852);
$ 499,736 in recurring General Revenue and 8 FTE for the Eighteenth Judicial Circuit; and
$ 168,500 in recurring General Revenue to develop an integrated information system for dependency and other court cases.

From the funds and positions provided in Specific Appropriations 3009, 3011, and 3015, $1,592,002 and 36 positions, $248,576, and $117,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.

3010 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 792,337
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,100,614
FROM FAMILY COURTS TRUST FUND 61,500

3011 EXPENSES
FROM GENERAL REVENUE FUND 4,576,585
FROM GRANTS AND DONATIONS TRUST FUND . . . 249,477
FROM FAMILY COURTS TRUST FUND 556,082

3012 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUANCY PROGRAM
FROM GENERAL REVENUE FUND 200,000

3013 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CIVIL TRAFFIC INFRACTION HEARING OFFICERS
FROM GENERAL REVENUE FUND 695,000

3015 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 219,100

3017 SPECIAL CATEGORIES
GRANTS AND AIDS - MODEL DEPENDENCY COURT PILOT
FROM GENERAL REVENUE FUND 186,520

3018 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN REVIEW PANEL
FROM GENERAL REVENUE FUND 825,296
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

Funds in Specific Appropriation 3018 are provided to continue and enhance the following Citizen Foster Care Review Panel and/or Board contracts:

$ 256,000 in recurring General Revenue for the Fourth Judicial Circuit (CBIR 1037);
$ 200,000 in recurring General Revenue for Marion County (CBIR 414) and
$ 60,000 in recurring General Revenue for Hernando County in the Fifth Judicial Circuit;
$ 75,000 in recurring General Revenue and $ 300,000 in the Grants and Donations Trust Fund for the Eleventh Judicial Circuit;
$ 121,796 in recurring General Revenue for Manatee County in the Twelfth Judicial Circuit (CBIR 1012); and
$ 112,500 in recurring General Revenue for the Fifteenth Judicial Circuit.

All funds appropriated to Citizen Foster Care Review programs shall be used to offset the administrative, training and other costs associated with implementing and maintaining these programs, as defined in section 39.702, Florida Statutes, as well as standards of operation which may be promulgated by the Florida Supreme Court.

3018A SPECIAL CATEGORIES
DRUG COURTS
FROM GENERAL REVENUE FUND 760,000

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Funds in Specific Appropriation 3018A are provided to establish or enhance the following drug court programs:

$ 360,000 in recurring General Revenue for the Brevard County Drug Court (CBIR 978); and
$ 400,000 in recurring General Revenue for the Pinellas County Drug Court Program (CBIR 2716).

3019 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 892,656

Funds in Specific Appropriation 3019 are provided for the following programs:

$ 692,656 in recurring General Revenue is provided to the Voices For Children Foundation for the Guardian Ad Litem Program and TPR Unit in Dade County; and

$ 200,000 in recurring General Revenue is provided for the Children's Advocacy Center in Hillsborough County.

3020 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 389,246

3021 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 585,360

3022 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

3023A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 108,500

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 146,325,810
FROM TRUST FUNDS 7,849,117

TOTAL POSITIONS 1,772
TOTAL ALL FUNDS 154,174,927

COURT OPERATIONS - COUNTY COURTS

3024 SALARIES AND BENEFITS POSITIONS 560
FROM GENERAL REVENUE FUND 52,423,427

From the funds and positions provided in Specific Appropriations 3024, 3025, and 3025A, $967,664 and 22 positions, $153,736 and $77,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.

3025 EXPENSES
FROM GENERAL REVENUE FUND 337,832

3025A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 77,000

3026 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 3026 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

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3027 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 87,811

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 53,201,925

TOTAL POSITIONS 560
TOTAL ALL FUNDS 53,201,925

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

3028 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 198,474

3029 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 224,522

3030 EXPENSES
FROM GENERAL REVENUE FUND 149,403

3031 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

3032 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 173,300

Funds in Specific Appropriation 3032 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

3033 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,903

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS
FROM GENERAL REVENUE FUND 751,308

TOTAL POSITIONS 3
TOTAL ALL FUNDS 751,308

TOTAL OF SECTION 7 POSITIONS 2,989

FROM GENERAL REVENUE FUND 261,276,334

FROM TRUST FUNDS 39,228,258

TOTAL ALL FUNDS 300,504,592

SECTION 8. SALARIES AND BENEFITS - Fiscal Year 2001-2002

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2001-2002 salary and benefit increases provided in Specific Appropriations 194 through 197, 214, and 2102. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to the base rate of pay as of July 1, 2000, inclusive of the 2000-2001 Fiscal Year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

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Pay Grade Adjustments

It is the intent of the Legislature that minimums and maximums of each pay grade shall be increased by 2.5 percent, effective November 1, 2001; however, minimums and maximums of pay grades applicable to members of the Security Services Bargaining Unit shall be increased by 4.5 percent, effective November 1, 2001.

After the maximum of the pay grade is increased by the competitive pay adjustment, if an employee's base rate of pay is equal to or greater than the adjusted maximum of the employee's pay grade, the employee will be granted a one-time, lump-sum payment in lieu of an increase to the employee's base rate of pay. When an employee's base rate of pay is less than the adjusted maximum of the employee's pay grade, the employee's salary will be increased to the adjusted maximum and the portion of the increase that exceeds the adjusted maximum shall be granted instead in a one-time lump-sum payment.

1. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 2102 for pay increases for all eligible employees represented by the Florida Police Benevolent Association, the International Union of Police Associations, the Florida Nurses Association, and the American Federation of State, County, and Municipal Employees, Council 79, and all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

1) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Security Services pay plan to receive a competitive pay adjustment of 4.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

2) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Special Agent pay plan to receive a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Law Enforcement pay plan to receive a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

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4) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Professional Health Care longevity pay plan to receive an upward competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump sum payments agreed to in collective bargaining shall not exceed the cost of an annualized 2.5 percent pay adjustment.

5) From the funds provided in Specific Appropriation 2102, funds are provided to grant each eligible employee represented by the American Federation of State, County, and Municipal Employees, Council 79, a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

6) From the funds in Specific Appropriation 2102, for all eligible Career Service employees not included in a represented collective bargaining unit, funds are provided for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

B. BOARD OF REGENTS OR ITS SUCCESSOR

1) University Support Personnel (USPS)

Effective November 1, 2001, for all eligible USPS unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197, and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

2) Administrative and Professional (A&P) Personnel

Effective November 1, 2001, for all eligible A & P unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197 and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600,

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each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) General Faculty

a. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitive pay adjustments on the base salaries of eligible non-unit employees, effective November 1, 2001. These funds are to be distributed as prescribed in salary guidelines issued by the Chancellor.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5% competitive pay adjustments on the base salaries of eligible unit employees, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreement between the Board of Regents and the United Faculty of Florida.

c. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitve pay adjustments on the base salaries of graduate assistants (UF, USF, and FAMU) and graduate health profession assistants, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreements of the unit graduate assistants between the Board of Regents and the United Faculty of Florida and as prescribed in salary guidelines issued by the Chancellor for the non-unit graduate assistants. Increases for graduate health profession assistants, e.g., residents and other house staff, shall be distributed in accordance with the terms of the contracts required by the appropriate accrediting agencies.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full-time members of commissions:

Specific Appropriation 2102 includes funding to provide salary increases on base salary, effective November 1, 2001. The following officers shall be paid at the annual rate shown below for the period indicated; however, these salaries may be reduced on a voluntary basis:

	7/1/01	11/1/01
Governor	$ 120,171	$ 123,175
Lieutenant Governor	115,112	117,990
Secretary of State	118,957	121,931
Comptroller	118,957	121,931
Treasurer	118,957	121,931
Attorney General	118,957	121,931
Education, Commissioner of	118,957	121,931
Agriculture, Commissioner of	118,957	121,931
Supreme Court Justice	150,000	153,750
Judges-District Courts of Appeal	138,500	141,963
Judges-Circuit Courts	130,000	133,250
Judges-County Courts	117,000	119,925
Commissioner-Public Service Commission	119,946	122,945
Public Employees Relations Commission Chrm.	85,853	87,999
Public Employees Relations Commission Commissioners	81,242	83,273
Commissioner-Parole and Probation	81,242	83,273

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State Attorneys:

Circuits with 1,000,000 Population or less..	133,840	137,186
Circuits over 1,000,000 Population.....	133,840	141,963

Public Defenders:

Circuits with 1,000,000 Population or less..	128,484	131,696
Circuits over 1,000,000 Population.....	128,484	136,284

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Based on the funds provided in Specific Appropriation 2102, which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Selected Exempt Service physicians bargaining unit to receive a competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump-sum payments agreed to in collective bargaining shall not exceed the costs of an annualized 2.5 percent pay adjustment.

3) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD:

Funds are provided in Specific Appropriation 2102 for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

D. JUDICIAL

Funds are provided in Specific Appropriation 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work

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schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

E. LOTTERY

Funds are provided in Specific Appropriation 2102, to grant each eligible unit and non-unit Lottery employee a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

F. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

Funds are provided in Specific Appropriation 2102, for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

Each eligible full-time employee shall receive an annualized minimum increase of $600. If the competitive pay adjustment is less than $600, each employee shall receive an additional increase which provides the employee a total annualized increase of $600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

G. SPECIAL PAY ISSUES

1) From the funds in Specific Appropriation 2102, $10,261,944 from the General Revenue Fund and $5,277,571 from Trust Funds are appropriated for nonrecurring lump-sum performance bonuses, effective June 1, 2002. Such funds shall be distributed to each agency in an amount equal to 0.25 percent of the agency's aggregate base salaries as of June 30, 2001. Each agency shall develop a plan for awarding bonuses and submit such plan to the Office of Policy and Budget. This appropriation is contingent upon HB 369 or SB 466 or similar legislation becoming a law.

2) Effective June 1, 2002, from funds in Specific Appropriation 2102, $108,778 from the General Revenue Fund are provided to the Department of Law Enforcement to fund the Performance Based Compensation Plan, as developed by the department, to provide a 2 percent performance based increase for those employees who exceed performance expectations outlined in employee work plans.

3) From funds in Specific Appropriation 2102, $200,846 from the General Revenue Fund are provided to the Department of Law Enforcement to fund on-call fees to be paid to special agents and their supervisors as described in the agency's legislative budget request (issue code 4002A00).

4) From funds in Specific Appropriation 2102, $143,746 from the General Revenue Fund and $84,420 from the Administrative Trust Fund are provided to the Department of Revenue to address the restructuring of counter staffing at service centers as described in the agency's legislative budget request (issue code 4500A40).

5)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, $3,875,847 from the General Revenue Fund is provided

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to the State Attorneys for competitive pay adjustments for employees assigned or appointed to the classes of Assistant State Attorney and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1	$ 127,537
Circuit 2	85,606
Circuit 3	75,092
Circuit 4	144,406
Circuit 5	200,742
Circuit 6	277,510
Circuit 7	129,497
Circuit 8	164,704
Circuit 9	289,002
Circuit 10	152,674
Circuit 11	652,874
Circuit 12	121,899
Circuit 13	180,054
Circuit 14	51,671
Circuit 15	177,876
Circuit 16	31,255
Circuit 17	447,653
Circuit 18	244,207
Circuit 19	139,136
Circuit 20	182,452

(b) It is the intent of the Legislature that the State Attorneys adjust their pay plan effective January 1, 2002 to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant State Attorney $35,931
2. Legal Trainee $30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant State Attorney or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the State Attorney, to recruit and retain Assistant State Attorneys to achieve the following outcomes:

1. Reduce turnover of Assistant State Attorneys with less than 5 years of experience; and

2. Increase the compensation of Assistant State Attorneys in a manner commensurate with their performance and their commitment to the State Attorney to continue their employment or appointment with that State Attorney's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant State Attorneys who voluntarily separate from employment from the State Attorney's office during the fiscal year.

(d) It is the intent of the Legislature that the State Attorneys shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant State Attorney and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, $2,277,617 from the General Revenue Fund is provided to the Public Defenders for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Public Defenders and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1	$ 93,103
Circuit 2	57,961

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Circuit 2 - Appellate	44,080
Circuit 3	31,130
Circuit 4	193,226
Circuit 5	87,744
Circuit 6	183,751
Circuit 7	131,670
Circuit 7 - Appellate	80,278
Circuit 8	114,276
Circuit 9	142,612
Circuit 10	81,738
Circuit 10 - Appellate	42,857
Circuit 11	159,672
Circuit 11 - Appellate	27,297
Circuit 12	69,853
Circuit 13	116,800
Circuit 14	33,226
Circuit 15	138,737
Circuit 15 - Appellate	41,071
Circuit 16	35,741
Circuit 17	126,889
Circuit 18	83,880
Circuit 19	52,415
Circuit 20	107,610

(b) It is the intent of the Legislature that the Public Defenders adjust their pay plan effective January 1, 2002, to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant Public Defender $35,931
2. Legal Trainee $30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant Public Defender or Legal Trainee classes no less than at the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Public Defender, to recruit and retain Assistant Public Defenders to achieve the following outcomes:

1. Reduce turnover of Assistant Public Defenders with less than 5 years of experience; and

2. Increase the compensation of Assistant Public Defenders in a manner commensurate with their performance and their commitment to the Public Defender to continue their employment or appointment with that Public Defender's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant Public Defenders who voluntarily separate from employment from the Public Defender's office during the fiscal year.

(d) It is the intent of the Legislature that the Public Defenders shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant Public Defenders and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, $107,621 from the General Revenue fund is provided to the Capital Collateral Regional Counsels for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Capital Collateral Regional Counsels, Legal Assistants and Legal Trainees, as follows:

Region	Salaries and Benefits
Northern	21,027
Middle	47,328
Southern	39,266

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(b) It is the intent of the Legislature that the Capital Collateral Regional Counsels amend their pay plan, effective January 1, 2002, to provide minimum annual salary rates for the following:

Assistant Capital Collateral Regional Counsel	$35,931
Legal Assistant	$30,000
Legal Trainee	$30,000

The funds provided to each region shall be used to compensate any person filling a position in the Assistant Capital Collateral Regional Counsel, Legal Assistant, or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective classes.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Capital Collateral Regional Counsel, to recruit and retain Assistant Capital Collateral Regional Counsels to achieve the following outcomes:

1. Reduce turnover of Assistant Capital Collateral Regional Counsels with less than 5 years of experience; and

2. Increase the compensation of assistant Capital Collateral Regional Counsels in a manner commensurate with their performance and their commitment to the Capital Collateral Regional Counsel to continue their employment or appointment with that Capital Collateral Regional Counsel's office.

For the purposes of this paragraph, "turnover" is measured by the number of Assistant Capital Collateral Regional Counsels who voluntarily separate from employment or appointment with that Capital Collateral Regional Counsel's Office.

7) Effective November 1, 2001, from the funds in Specific Appropriation 2102, $366,883 from the General Revenue Fund are provided to the Judicial Branch to fund a competitive pay adjustment for deputy court administrators, senior deputy court administrators and deputy marshals and to provide for the creation of a chief deputy court administrator class.

2. BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

A. Funds are provided in each agency's budget to continue paying the current state share of life and disability insurance premiums. For the period of July 1, 2001, through October 31, 2001, the state share of the State Group Health Insurance Plan premiums and the state share of the health maintenance organization premiums to the executive, legislative and judicial branch agencies shall continue at $191.52 per month for individual coverage and $391.60 per month for family coverage.

Additionally, funds are provided in Specific Appropriation 2104, to pay the state share of the State Group Health Insurance Plan premiums and the state share of health maintenance organization premiums to the executive, legislative and judicial branch agencies which shall increase, effective November 1, 2001, from $191.52 per month to $220.24 per month for individual coverage and from $391.60 per month to $450.34 per month for family coverage.

B. For the period of July 1, 2001, through October 31, 2001, the employee's share of health insurance premiums shall continue at $32.30 per month for individual coverage and $116.20 per month for family coverage.

Effective November 1, 2001, the employee's share of health insurance premiums shall increase from $32.30 per month to $37.14 per month for individual coverage and from $116.20 per month to $133.62 per month for family coverage.

C. Under the State Employees' Prescription Drug Program, the following shall apply:

1) Supply limits shall continue as provided in s. 110.12315, Florida Statutes.

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2) For the period July 1, 2001, through June 30, 2002, co-payments:

a. $7 co-payment for generic drugs with card;
b. $20 co-payment for preferred brand name drugs with card;
c. $35 co-payment for non-preferred brand name drugs with card;
d. $10.50 co-payment for generic mail order drugs;
e. $30 co-payment for preferred brand name mail order drugs; and
f. $52.50 co-payment for non-preferred brand name mail order drugs.

3) The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

D. 1) Under the State Group Insurance Program, the co-payments for physician office visits shall continue at $10.

2) Co-payments for prescription drugs with health maintenance organizations shall continue at $7 co-payment for generic drugs, $20 co-payment for preferred brand name drugs, and $32.50 co-payment for non-preferred brand name drugs.

E. Any proposed changes in the benefits provided under the State Group Health Insurance Plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless both the chair of the Senate Budget Committee and the chair of the House Fiscal Responsibility Council determine that such a statement is not necessary.

F. The $100 per calendar year physical examination benefit shall be limited to active employees and COBRA participants covered under the State Group Health Insurance Plan.

G. All State Group Health Insurance Plan benefits as provided in the current State of Florida Employees Group Health Insurance Plan Booklet and Benefit document and other such benefits as approved by the Legislature shall remain in effect.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements:

A. Based on a reduction in funding, the state shall not continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full-time employees on a space available basis. The state shall not provide the tuition-free courses at community colleges.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

D. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME, Council 79, Master Contract Units, for Career Service employees shall be resolved as follows:

1) All collective bargaining issues regarding Article 25 "Wages" shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES" and the relevant provisions of the Conference Report on Senate Bill 2002.

2) All collective bargaining issues regarding Article 27 "Insurance Benefits" shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS" and the relevant provisions of the Conference Report on Senate Bill 2002 .

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3) All collective bargaining issues regarding lump-sum bonus payments for the 2000-2001 fiscal year shall be resolved pursuant the state's last offer.

4) All collective bargaining issues regarding Economic Self-Sufficiency Competency Program for the 2000-2001 and 2001-2002 fiscal years shall be resolved pursuant to the state's last offer.

5) All collective bargaining issues regarding Article 7, "Discipline and Discharge" which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Discipline and Discharge" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

6) All collective bargaining issues regarding Article 8, "Workforce Reduction and Privatization " which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Workforce Reduction and Privatization" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

7) All collective bargaining issues regarding Article 20 "Training Issues" shall be resolved pursuant to the instructions provided in this Section under Item "3. Other Provisions" and Section 2 of this Act.

8) All other collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for career service employees shall be resolved in accordance with the state's last offer.

B. All other collective bargaining issues at impasse for the 2001-2002 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

5. STUDIES, REPORTS AND OTHER PROVISIONS

A. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

C. From the funds in Specific Appropriation 2102, $300,000 from the General Revenue Fund is provided to the Department of Management Services to contract for legal services and for an independent certified actuarial analysis of the fiscal impact of the options specified below from OPPAGA Report No. 01-21, March 2001, for providing state employee health insurance benefits and establishing contribution rates.

1) Providing a continuum of self-insured plan options with a standard state contribution rate under which the state's contribution toward employee health insurance premiums would be set at the level needed to cover a basic package of benefits and enrollees could choose to obtain the basic package, or opt for lesser or greater benefits with their contribution toward premiums varying depending on the option chosen;

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2) Implementing a high-deductible health insurance plan and encouraging use of Flexible Spending Accounts by enrollees to pay their health care costs up to the deductible level;

3) Discontinuing participation in the self-insured PPO plan for retirees and instead offering an array of fully-insured health insurance plans to Medicare-eligible retirees including traditional fee-for-service, PPO, POS, HMO, and Medicare Supplement plans;

4) Implementing a high-deductible health insurance plan and authorizing enrollees to use Medical Savings Accounts to pay for their health care costs up to the deductible level;

5) Eliminating the state's group health plans and providing state employees a standard benefit payment for health insurance to obtain coverage in the private market;

6) Establishing multi-tiered contribution rates that reflect the number of persons receiving coverage;

7) Adjusting contribution rates for retirees to better reflect their health care costs;

8) Adjusting employee contribution rates to align premiums with the costs of the PPO plan and HMOs.

Each option should be evaluated individually to determine the impact on the financial condition of the State Employee's Group Health Self-Insurance Trust Fund and weighed in combination to the extent the department and contractors anticipate that a combination of options will result in a sum impact greater or lesser than the impact estimated individually. The Department of Management Services shall also contract for a legal review of the specified options. The final report shall be completed and submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Director of OPPAGA no later than January 1, 2002.

SECTION 9. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or s. 240.2093, F.S., and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. University of Florida - Ben Hill Griffin Stadium Skybox Addition - and Skybox & Pressbox Renovation (reauthorization)

2. University of Florida - Basketball Practice Facility

3. Florida State University - Parking Garage Two

4. Florida State University - Parking Improvements

5. Florida State University - New Residence Hall (reauthorization)

6. Florida State University - Renovate/Remodel Cawthon Hall (Reauthorization)

7. Florida State University - Parking Garage Three

8. Florida State University - Research and Development Facilities, new building & renovation

9. Florida State University - Research and Development Facilities, additional new building

10. Florida Agricultural and Mechanical University - Housing, Phase IV (reauthorization)

11. Florida Agricultural and Mechanical University - Bragg Stadium Renovation and Expansion

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12. University of South Florida - Parking Structure II (reauthorization)

13. University of South Florida - Residence Life Renovation, Sarasota

14. University of South Florida - Resident Hall Renovation, Tampa

15. University of South Florida - Student Residence Facility, Tampa

16. University of South Florida - Student Residential Life Facility, Tampa

17. Florida Atlantic University - Parking Garage I, Boca Raton

18. Florida Atlantic University - Parking Garage, Ft. Lauderdale

19. University of Central Florida - Academic Villages Phase II (reauthorization)

20. University of Central Florida - Parking Garage IV

21. Florida International University - Student Housing Complex and Support Services Facilities, Phase II (reauthorization)

22. Florida Gulf Coast University - North Lake Housing Phase IV

23. University of Florida Alumni Hall

24. University of Florida Orthopaedic Surgery and Sports Medicine Facility

25. University of Florida Genetics and Cancer Research Center

26. University of Florida IFAS Agronomy and Soil Science Facility

27. Florida State University Athletic Facilities Within Communications Facility Project and Basketball Practice Facility

28. Florida State University Howser Stadium Renovation, Expansion or Replacement

29. Florida State University Alumni Center Complex

30. University of South Florida Charter School

31. Florida Atlantic University Aristotle Center

32. Florida Atlantic University Alumni House

33. Florida Atlantic University Continuing Education Tower

34. Florida Atlantic University Classroom/Office Building

35. University of Central Florida Intercollegiate Athletics Facility

36. University of Central Florida Intercollegiate Athletic Node

37. University of Central Florida Student Support Center

38. University of Central Florida Civic Theatre Acquisition & Renovation

39. Florida International University Parking Garage Three

40. Florida International University Parking Garage Four

41. Florida State University Study Centers in France, Spain and Panama

SECTION 10. Pursuant to s. 240.299(5), Florida Statutes, the following facilities may be acquired by the direct support organizations indicated.

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Financing, expansion and renovation of the University of Florida Ben Hill Griffin Stadium spectator seating, skyboxes, and press box by the University of Florida Athletic Association (reauthorization)

Financing and construction of the University of Florida Basketball Practice Facility and Womens Club Annex by the University of Florida Athletic Association (reauthorization)

Financing and construction of the University of Florida Alumni Hall facility by the University of Florida Foundation

Financing and construction of a portion of the Florida State University Communications Facility project by the Seminole Boosters (reauthorization)

Financing and construction of the Florida State University Howser Stadium Renovation, Expansion or Replacement project by the Seminole Boosters (reauthorization)

Financing and construction of the Florida State University Alumni Center Complex by the FSU Foundation and Alumni Association (reauthorization)

Financing and Construction of the Florida State University Campus Landscaping Improvements project by the FSU Foundation (reauthorization)

Financing and Construction of the Florida State University Ringling Center Storage Facility by the FSU Foundation

Financing and Construction of the Florida State University Research and Development Facilities including renovation by the FSU Research Foundation

Financing and Construction of the Florida State University Research and Development Facility by the FSU Research Foundation

Financing and construction of the USF Charter School by the USF Foundation with funding provided by private donations, federal funds, and state funds (reauthorization)

Financing and construction of a Aristotle Center at Florida Atlantic University by the FAU Foundation

Financing and construction of the Florida Atlantic University Continuing Education Tower in Ft. Lauderdale

Financing and construction of the Office/Classroom Facility at Florida Atlantic University by the FAU Foundation

Financing and construction of the University of Central Florida Intercollegiate Athletics Building by the UCF Foundation (reauthorization)

Financing and construction of the University of Central Florida Intercollegiate Athletic Node (outdoor improvements) by the UCF Foundation

Financing and construction of the University of Central Florida Student Support Center by the UCF Foundation

Financing and acquisition of a Civic Theater by the UCF Foundation

Financing and construction of a Florida International University Football Stadium Fieldhouse Facility by the FIU Foundation (reauthorization)

University of South Florida United States Geological Survey Facility Expansion

SECTION 11. Pursuant to Section 11d, Article VII of the State Constitution, the Board of Regents of the State University System is

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authorized to issue bonds supported by Student Building Fees and Capital Improvement Fees to finance or partially finance projects authorized by the 2001-2002 appropriations. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds, if deemed appropriate by the Division of Bond Finance and the Board of Regents.

SECTION 12. The unencumbered balance of funds provided in Specific Appropriation 54A Chapter 99-226, Laws of Florida, for Teaching Academies shall revert on June 30, 2001, and is appropriated for the purposes of the original appropriation to the Panhandle Area Education Consortium. The Panhandle Area Education Consortium shall match these funds with cash from any public or private source.

SECTION 13. The unexpended balance of funds provided to Florida Community College at Jacksonville in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Rem/ren Aviation/Aerospace Ctr. - Cecil Field (3) complete for $7,100,000, is hereby re-appropriated and authorized to provide planning and construction for initial site development at the Cecil Field Commerce Education Center.

SECTION 14. The unexpended balance of funds provided to Gulf Coast Community College in the Specific Appropriation 37 of Chapter 99-226, Laws of Florida, relating to the Voc Labs - Gulf/Franklin Center/Child Care Labs - Main complete for $535,000, is hereby re-appropriated and authorized to provide Fire Science/Fire Fighting training facilities at the North Bay Special Purpose Center.

SECTION 15. The unexpended balance of funds up to $4,000,000 provided to Daytona Beach Community College in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Student Svcs/Admin/Child Serv Bldg 7 West partial (ce) for $7,860,922, is hereby re-appropriated and authorized to provide planning and construction for initial site development and Classrooms and Lab Buildings at Deltona Center.

SECTION 16. The Executive Office of the Governor may reinstate fixed capital outlay budget authority within the FAMU Contracts and Grants Developmental Research School Trust Fund in an amount equal to the 1998-99 PECO and Classroom First allocations for the FAMU Developmental Research School.

SECTION 17. Funds provided in Specific Appropriation 160 for I-4 Corridor/High Technology Research in Chapter 2000-166 Laws of Florida, which are unexpended on June 30, 2001, shall revert, and are hereby appropriated to the University of Central Florida, the University of South Florida, and other participating SUS Universities for sales tax refund matching pursuant to section 212.08(1)(j), Florida Statutes.

SECTION 18. Funds provided in Specific Appropriation 209A of Chapter 99-226, Laws of Florida, to the University of South Florida for Quinn Hall (C,E) in the amount of $2,056,765 are hereby reappropriated for that purpose.

SECTION 19. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing sites are a part of these projects, each such site must be certified to be free of hazardous materials before it may be accepted by the Board:

1. University of Florida - Minor Additions to IFAS Facilities in Gainesville/Alachua County and research centers and outlying units throughout the state
2. University of Florida - Offices, shops and storage for IFAS at Pine Acres Unit in Marion County (reauthorization)
3. University of Florida - Orthopaedic Surgery and Sports Medicine Institute in Alachua County (reauthorization)
4. University of Florida - Genetics and Cancer Research Center
5. University of Florida - Center for Human Brain Function Imaging Technology
6. University of Florida - Psychology Building Addition

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7. University of Florida - Multipurpose Storage Facility
8. University of Florida - Alumni Hall
9. Florida State University - Communications Facility in Leon County (reauthorization)
10. Florida State University - Alumni Center Complex in Leon County (reauthorization)
11. Florida State University - Campus Landscaping Improvements in Leon County (reauthorization)
12. Florida State University - Chemistry Building in Leon County (reauthorization)
13. Florida State University - Ringling Center Storage Facility
14. University of Central Florida - Student Support Center in Orange County
15. University of Central Florida - Engineering Field Station II
16. University of Central Florida - Acquisition of Civic Theater
17. University of South Florida - Clean Room Facility in Hillsborough County (reauthorization)
18. University of South Florida - Alumni Center Expansion
19 Florida Atlantic University - Aristotle Center
20. Florida Atlantic University - Alumni House
21. Florida Atlantic University - Office/Classroom Building
22. Florida Atlantic University - Continuing Education Tower - Ft. Lauderdale
23. Florida International University - Academic Learning Center
24. Florida International University - Expansion of Center for Engineering and Applied Science in Dade County (reauthorization)
25. Florida Gulf Coast University - North Lake Olympic Pool in Lee County (reauthorization)
26. University of Florida IFAS Agronomy and Soil Science Facility

SECTION 20. Pursuant to section 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

1. Santa Fe Community College - Acquire site as a special instructional laboratory/Geological Field Station with small support services facilities.
2. Santa Fe Community College - Acquire annex to the Andrews Special Purpose Center in Starke for enhancement to distance learning, continuing education, dual enrollment, as well as traditional programs.
3. Santa Fe Community College - Acquire annex to the Downtown Center for exhibition and related support space for the center's community arts and education program.
4. Santa Fe Community College - Acquire land and facilities with additional construction for an instructional facility in Archer.
5. Santa Fe Community College - Acquire additional land and possibly other facilities around the Downtown Center for future development.
6. South Florida Community College - Acquire land in or near Wauchula/Zolfo Springs in Hardee County for the new Special Purpose Center.
7. South Florida Community College - Acquire land in or near Arcadia in DeSoto County for the new Special Purpose Center.
8. North Florida Community College - Acquire adjacent land and facilities from the Madison County School Board for future development.
9. North Florida Community College - Acquire Madison County Memorial Hospital Building as an annex to the Main Campus in Madison for nursing and EMT training programs.

SECTION 21. Funds appropriated within item 177A of Chapter 2000-166, Laws of Florida, for the Gladys Davis Pavilion may be expended to

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renovate and expand the current Campus Safety Building to support the Gladys Davis Pavilion, a program for visually impaired students and residents, and up to $800,000 may be expended to relocate Police/Parking/Traffic departments.

SECTION 22. Funds remaining in Specific Appropriation 2010 of Chapter 94-357, Laws of Florida, are re-appropriated to the Department of Education for Satellite Transponder Related Equipment.

SECTION 23. Funds included in Specific Appropriation 1867A of Chapter 99-226, Laws of Florida, for Article V implementation activities in the amount of $800,000, are hereby reappropriated to the Joint Legislative Committee on Article V to engage consultants and/or provide funding for staff to support the activities of the Joint Committee.

SECTION 24. Pursuant to section 2 of Chapter 98-286, Laws of Florida, the Comptroller is directed to transfer $10,200,000 from the Tobacco Settlement Clearing Trust Fund into the General Revenue Fund. This transfer shall satisfy the requirements of Chapter 98-286, Laws of Florida.

SECTION 25. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the federal government in an amount necessary for the payment of interest earned on federal funds.

SECTION 26. The Comptroller is hereby authorized to transfer $46,900,000 in General Revenue funds to the Budget Stabilization Fund for Fiscal Year 2001-2002, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 27. There is hereby appropriated $25,000,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

SECTION 28. There is hereby appropriated the sum of $93,300,000 in nonrecurring General Revenue, $199,300,000 in nonrecurring Tobacco Settlement Trust Funds and $379,000,000 from the Medical Care Trust Fund to the Agency for Health Care Administration to cover FY 2000-01 Medicaid program costs. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 29. It is the policy of the state that with the funds appropriated for FY 2001-02, all state services be performed in the most effective and efficient manner in order to provide the best value to the public. Further, the state recognizes that competition among service providers may improve the quality of service provided. Therefore, any state agency may identify services provided by the state that are available commercially from a private source or through other alternative means for the provision of services, examine the current method of service delivery, assess the feasibility of privatization, outsourcing, or other alternative means for the provision of services. If the agency recommends to the Executive Office of the Governor (EOG) that such services may be better provided through private sources or other alternative means, the state agency shall submit an outsourcing plan to the EOG for approval prior to the implementation of the plan. State employees are encouraged to submit bids or proposals for outsourcing projects. Positions vacated as a result of outsourcing projects shall be placed in reserve by the EOG.

Upon completion of the planning process and prior to the transfer of any appropriated funds to implement a contract or memorandum of agreement related to privatization, outsourcing, or alternative means of provision of state services, the state agency shall provide to the Legislative Budget Commission its recommendations and documentation. Any contract or memorandum of agreement recommended by the state agency related to delivery of a state service pursuant to this section that requires the transfer of any appropriated funds shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes, and subject to the approval of the Legislative Budget Commission.

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Any savings resulting from the outsourcing projects shall be placed in unbudgeted reserve, or may be used for the Incentive and Savings Program provided in SB 1784 or similar legislation.

SECTION 30. Funds in this act may be expended for bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 31. The unencumbered General Revenue balance of funds provided in Specific Appropriation 1925, Chapter 99-226, Laws of Florida, for the West Palm Beach Regional Service Center shall revert on June 30, 2001, and is hereby re-appropriated and authorized to cover expenses associated with final architectural work and permitting costs for the Second District Court of Appeal branch courthouse located in Hillsborough County.

SECTION 32. The unexpended balance of nonrecurring General Revenue funds appropriated in Specific Appropriations 593 through 597, of Chapter 2000-166, Laws of Florida provided for start up operating costs for the Alexander "Sandy" Nininger, Jr. State Veterans' Nursing Home in Pembroke Pines, Florida shall revert and is reappropriated for the purpose of the original appropriation.

SECTION 33. The unobligated balance of the funds provided in Specific Appropriation 489A, Chapter 95-429, Laws of Florida, for a Children's Medical Services clinic in Tampa is hereby reappropriated and may be used as partial funding for a combined Nursing/Health Care and Education Center at the University of South Florida.

SECTION 34. Funds provided in Specific Appropriation 541, Chapter 99-226, Laws of Florida, for Phase I of the joint CMS/USF Health Care and Education Center in Tampa are hereby reappropriated as partial funding for the combined Nursing/Health Care and Education Center at the University of South Florida. These funds are in addition to any other state appropriations for this purpose.

SECTION 35. Of the balance of funds provided in Specific Appropriation 379 and Section 48 of Chapter 2000-166, Laws of Florida, $18.7 million in General Revenue is hereby reappropriated for the Home and Community-Based Services Waiver for costs incurred in Fiscal Year 2001-2002 to address the needs of individuals with developmental disabilities. The Department may request $24.2 million in budget authority to expend Medicaid through the consultation provisions of Chapter 216, Florida Statutes.

SECTION 36. Notwithstanding the proviso contained in Specific Appropriations 1129C and 1149A, Chapter 2000-166, Laws of Florida, moneys appropriated for Grants and Aids to Local Governments and Nonprofit Organizations - Fixed Capital Outlay Local Delinquency Intervention Facilities and Legislative Initiatives to Reduce Juvenile Crime, may be released so long as the Department of Juvenile Justice is given a first mortgage lien of ten years or a lease of 10 years on the facility relocated, expanded, constructed, or renovated with such appropriation. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 37. From the unexpended General Revenue funds in Specific Appropriation 626 of Chapter 95-429, Laws of Florida, $2,448,800 shall revert effective June 30, 2001, and is hereby reappropriated to the Department of Corrections to implement and operate an inventory and cashless payment system for inmate canteens.

SECTION 38. From the unexpended General Revenue funds in Specific Appropriations 1955 and 1957 of Chapter 94-357, Laws of Florida, $76,255 and $2,833,860 respectively shall revert effective June 30, 2001 and are hereby reappropriated for the purpose of providing security improvements at Department of Corrections' facilities. The department shall provide a quarterly report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budget detailing the following: (a) the allocation of these funds to specific institutions and projects; (b) the estimated cost of each project; (c) the projected start and completion date for each project; and (d) the current status of each project expressed in terms of the percentage completed.

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SECTION 39. From the unexpended General Revenue funds in Specific Appropriations 621A and 626 of Chapter 95-429, Laws of Florida, $278,697 and $2,046,303, respectively, shall revert effective June 30, 2001, and $2,325,000 is hereby reappropriated for an electronic medical record system. With these funds the Department of Corrections is directed to competitively procure an electronic medical record system. At a minimum, the electronic medical record system shall:

(a) provide access to clinical, administrative, and financial information on a real-time basis;

(b) provide a comprehensive database to enable healthcare providers to evaluate and compare clinical information and effectiveness of treatment;

(c) offer healthcare providers automated support for routine activities such as placing orders, scheduling appointments, and writing medication orders and prescriptions; and

(d) provide multiple, simultaneous access to patient and administrative information. The Department of Corrections and the Statewide Technology Office shall review proposals and jointly select the successful vendor. The funds hereby appropriated initially shall be placed in reserve and may be released via budget amendment in accordance with the provisions of sections 216.177 and 216.181, Florida Statutes.

SECTION 40. There is hereby appropriated from the General Revenue Fund, $11,900,000 of nonrecurring funds for payment of supplemental casualty insurance premiums for fiscal year 2000-01. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 41. In any agency where the number of authorized positions as of July 1, 2001 as provided in the General Appropriations Act for 2001-2002 is less than the number of authorized and established positions on June 30, 2001, the following procedures and requirements must be followed to ensure that state employees whose positions have been eliminated receive appropriate reemployment opportunities and assistance:

1. It is the intent of the legislature that priority shall be given to deleting vacant positions when implementing the position reductions associated with the development of the 2001-2002 General Appropriations Act. Where both vacant and filled positions are deleted, vacant positions shall be deleted first.

2. To the extent possible within the constraints of the total funds provided in the General Appropriations Act, 90 days notice shall be given to any employee in a position to be eliminated as a result of the legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

3. The agency is authorized to temporarily exceed the number of authorized positions to accommodate individual retirement dates or the July 1, 2001 change to retirement vesting provisions within the total level of salary appropriations.

4. In the event that there are not sufficient vacant positions in any given budget entity to fulfill the position reductions required to bring that budget entity in line with the General Appropriations Act, the agency is authorized to request that vacant positions from other budget entities be transferred to fulfill the position reductions. This authorization is limited to instances where the position reductions effected by the legislature were intended to be a reduction of vacant positions. Position reductions related to legislative intent to reduce or eliminate specific programs shall not be subject to this paragraph.

5. Any employees terminated due solely to legislatively effected position reductions shall be provided with the right of first employment interview for any state job vacancy to which they may apply, provided they meet the minimum qualifications for that position. The Secretary of the Department of Management Services and the Director of the Division Human Resources of the Department of Management Services shall be responsible for ensuring that all state agencies adhere to this

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requirement and shall mediate complaints brought by state employees pursuant to this requirement. The agency shall take all reasonable steps to place any adversely affected employees in existing vacancies for which they are qualified.

6. The Department of Management Services shall provide all necessary assistance to state agencies to ensure that terminated employees receive outplacement planning services, referral to available job training, and other employment services. In addition, the Agency for Workforce Innovation, through its existing programs, shall provide all available priority assistance to any state employee adversely affected by legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

7. Position reductions identified in the agencies' long range program plans shall be specifically identified to the extent possible by the agencies and the incumbents of those positions shall be notified no later than 30 days following submission of the plan.

SECTION 42. The unexpended balance of funds provided in Specific Appropriations 69, 70, and 71 of Chapter 2000-166, Laws of Florida, for replacement of the data management system with a client server environment for the common course numbering system, shall revert and is reappropriated for the purposes of the original appropriations.

SECTION 43. The unexpended balance of funds provided in Specific Appropriation 73A of Chapter 2000-166, Laws of Florida, for migration to common data base software and for the development of the data warehouse, shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 44. Of the unobligated balance in Specific Appropriation 1868 of Chapter Law 2000-166, Laws of Florida, $957,800 shall be reappropriated to the State Technology Office for the review of existing business process requirements including the State Chart of Accounts as identified in the Analysis of Alternatives for an Integrated Financial System Report of March 13, 2001. Such review shall consist of specific tasks outlined in the scope of services in the ITN for the IFMIS Independent Project Manager and shall include: development of a decision making and escalation procedures model, review of existing business processes including chart of accounts; documentation of information architecture requirements and execution of a change management communication program.

SECTION 45. If, pursuant to the provisions of s. 215.5601(4)(f), Florida Statutes, appropriations from tobacco settlement trust funds are reduced on a prorated basis for the 2001-2002 fiscal year, there are hereby appropriated from the Working Capital Fund established by s. 215.32(1)(c), Florida Statutes, amounts equal to the tobacco settlement trust fund reductions.

SECTION 46. If during the State's 2001-02 fiscal year, the Federal Government applies an Alternative Systems Penalty on the Child Support Enforcement Program for delays in implementing automated Distribution 2000 requirements, the Executive Office of the Governor shall provide additional nonoperating transfer authority, subject to 216.181(12), F.S., to assist in paying that penalty. This additional nonoperating transfer authority to the Grants and Donations Trust Fund shall consist of $2,735,828 from the Child Support Enforcement Incentive Trust Fund and $4,000,000 from the Child Support Enforcement Application and User Fee Trust Fund. In addition, the Legislative Budget Commission may approve a loan from the Working Capital Fund to the Child Support Enforcement Program in an amount not to exceed $9,800,000 to be repaid by no later than June 30, 2003.

SECTION 47. There is hereby appropriated $450,000 from the General Revenue Fund to the Department of Management Services to be used for costs associated with the implementation of the Department of Management Services plan to outsource human resource services. These costs shall be repaid as the plan is implemented and funds are transferred from the State agencies to the department for this purpose.

The Agency for Workforce Innovation, through its existing programs, shall provide all available assistance to any state employee who is displaced as a result of the outsourcing of the human resource services.

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SECTION 48. The unexpended balance of funds provided in Section 35 of Chapter 2000 - 166, Laws of Florida, for Front Porch Florida shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 49. The unexpended balance of funds provided in Specific Appropriation 2088B of Chapter 2000 -166, Laws of Florida, for the High Impact Performance Incentive Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 50. The unexpended balance of funds provided in Section 38 of Chapter 2000 - 164, Laws of Florida, for the Tax Credit for Network Access Point shall revert and is reappropriated for the purposes of the original appropriation

SECTION 51. The unexpended balance of funds provided in Specific Appropriation 2088D of Chapter 2000 - 166, Laws of Florida, for the Rural Infrastructure Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 52. The unexpended balance of funds appropriated in Section 163 (4) of Chapter 2000-165, Laws of Florida, shall revert and is hereby reappropriated to the Agency for Workforce Innovation for the purposes of the original appropriation for workforce information systems.

SECTION 53. Of the balance of funds provided in Section 12 (10) (a) of Chapter 2000-290, Laws of Florida, $10 million for Toolkit for Economic Development shall revert and is hereby reappropriated.

SECTION 54. From funds appropriated in Specific Appropriation 2101, of Chapter 2000-166, Laws of Florida, the unexpended balance shall revert and is hereby reappropriated for the mobile data system for the Florida Highway Patrol to enhance enforcement activities.

SECTION 55. State Technology Office

(1) Each state agency that entered into a Memorandum of Agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff shall transfer the positions identified in the Memoranda and the associated rate and the amount of approved budget to the State Technology Office by October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 FTE's. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(2) Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the Department of Management Services or to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5% of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 1, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(4) The State Technology Office and the individual agencies may request subsequent transfers of FTE's and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be authorized, subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(5) The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.

(6) Any resources transferred to the State Technology Office which were dedicated to a federally-funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in

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federal sanctions. In addition, any use of such resources to expand services to other agencies must be consistent with an approved cost allocation plan.

(7) The corresponding amounts necessary to execute paragraphs (1), (2) and (4) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in paragraphs (1), (2) and (4) subject to approval by the Legislative Budget Commission.

SECTION 56. There is hereby appropriated $33,800,000 to be transferred from the Solid Waste Management Trust Fund to the Working Capital Fund.

SECTION 57. There is hereby appropriated $16,200,000 to be transferred from the Water Management Lands Trust Fund to the Working Capital Fund.

SECTION 58. Pursuant to the provisions of section 440.51(14), Florida Statutes, the Department of Labor and Employment Security may submit a budget amendment request to transfer up to $750,000 from the Workers' Compensation Trust Fund to the Florida Workers' Compensation Joint Underwriting Association for fiscal year 2000-2001. The budget amendment shall be submitted to the Legislative Budget Commission for approval. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 59. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or Specific Appropriations contained in this act.

SECTION 60. With the exception of Sections 28, 40 and 58, this act shall take effect July 1, 2001, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2001, then it shall operate retroactively to July 1, 2001. Sections 28, 40 and 58, shall take take effect upon the General Appropriations Act becoming law.

TOTAL ALL FUNDS THIS APPROPRIATIONS ACT..... 48331,164,980

APPROPRIATIONS INCLUDED IN STATUTES (BUT NOT IN THIS ACT)

CHILD SUPPORT INCENTIVE TF.....	45,576
CHILD SUPPORT CLEARING TF.....	100,000,000
COUNTY REVENUE SHARING TF.....	336,200,000
FED USE OF STATE LANDS TF.....	1,647,000
FLORIDA RETIREMENT SYSTEM TF.....	2855,191,319
GAS TAX COLLECTION TF.....	271,300,000
GRANTS AND DONATIONS TF.....	88,470
FL RETIREMENT SYS PRESERVATION OF BENEFITS PLAN TF.	50,000
IFAS SUPPL RETIREMENT TF.....	915,663
LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TF...	1390,200,000
MUNICIPAL REVENUE SHARING TF.....	238,800,000
OIL AND GAS TAX TRUST FUND.....	600,000
RETIREE HEALTH INSURANCE SUBSIDY TF.....	227,035,262
SELF INSURANCE ASSESSMENT TRUST FUND.....	2,500,000
SEVERANCE TAX SOLID MINERAL TF.....	4,890,000
UNEMPLOYMENT COMPENSATION BENEFIT TF.....	800,000,000
WORKERS' COMPENSATION ADMINISTRATION TF.....	23,020,026
WORKERS' COMPENSATION SPECIAL DISABILITY TF.....	115,421,987

TOTAL APPROPRIATION AUTHORITY INCLUDED IN STATUTES. 6367,905,303

ADJUSTED TOTAL: ALL APPROPRIATIONS..... 54699,070,283

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 121,772

FROM GENERAL REVENUE FUND 20336,628,948

FROM TRUST FUNDS 27994,536,032

TOTAL ALL FUNDS 48331,164,980

The Conference Committee Report was read and on motion by Senator Horne was adopted. **SB 2000** passed as recommended and was certified

to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

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

Nays—3

Jones	Klein	Rossin

DISCLOSURE

In an abundance of caution, pursuant to Senate Rule 1.39, I am disclosing that there are several places in SB 2000 that Nova Southeastern University is designated as the recipient of funds appropriated by the Legislature.

I am a salaried employee of, and the Director of Career Placement for, the Health Professions Division of Nova Southeastern University.

As directed by Senate Rule and as permitted by law, once disclosed, it is my duty to vote on the General Appropriations Bill.

Debbie Wasserman Schultz, 32nd District

CONFERENCE COMMITTEE REPORT ON SB 2002

The Honorable John M. McKay May 2, 2001
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, same being:

An act relating to implementing appropriations.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from its amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Jim Horne
Chairman
s/Charlie Clary
s/M. Mandy Dawson
s/Rudy Garcia
s/Daryl L. Jones
s/Jack Latvala
s/Alfred "Al" Lawson, Jr.
s/Lesley "Les" Miller, Jr.
s/Durell Peaden, Jr.
s/Debby P. Sanderson
s/Ronald A. Silver
s/J. Alex Villalobos
s/Locke Burt
s/Anna P. Cowin
s/Buddy Dyer
s/Betty S. Holzendorf
s/James E. "Jim" King, Jr.
s/John F. Laurent
s/Kendrick B. Meek
s/Richard Mitchell
s/Tom Rossin
s/Burt L. Saunders
s/Donald C. Sullivan
s/Daniel Webster

Managers on the part of the of the Senate

s/Carlos Lacasa
Vice Chairman
s/Randy J. Ball
s/Allan Bense
s/Frederick "Fred" Brummer
s/Frank Farkas
s/JD Alexander
s/Gustavo Barreiro
s/Gus Bilirakis
s/Paula Dockery
s/Mike Fasano
s/Carole Green
s/Mark Flanagan
s/Ron Greenstein
s/Wilbert "Tee" Holloway
s/Randy Johnson
s/Bev Kilmer
s/Mark Mahon
s/Matthew Meadows
s/Jefferson "Jeff" Miller
s/Nan Rich
s/Marco Rubio
s/Gary Siplin
s/Joseph Spratt
s/Rob Wallace
s/Chris Hart
s/Ed Jennings, Jr.
s/Charlie Justice
s/Evelyn Lynn
s/Jerry Maygarden
s/Jerry Melvin
s/Sandra Murman
s/Stacy Ritter
s/John "Jack" Seiler
s/Irving Slosberg
s/Dwight Stansel
s/Frederica "Freddi" Wilson

Managers on the part of the of the House of Representatives

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

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2001-2002.*

Section 2. *In order to implement Specific Appropriation 171 of the 2001-2002 General Appropriations Act, the funds provided for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director of the Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 2001-2002 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section expires July 1, 2002.*

Section 3. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (k) of subsection (1) and subsection (8) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(k) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116,~~ Students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. ~~During 1997-1998, a maximum of 40 students in each participating school district is authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district is authorized to generate full-time equivalent student membership in the pilot program.~~

(8) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 *unweighted* ~~weighted~~ FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per *unweighted* ~~weighted~~ FTE student which shall include the adjusted FTE dollars as provided in subsection (9),

quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per *unweighted* ~~weighted~~ FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (9) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per *unweighted* ~~weighted~~ FTE to prior year funds per *unweighted* ~~weighted~~ FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per *unweighted* ~~weighted~~ FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 4. *The amendment of paragraph (k) of subsection (1) and subsection (8) of section 236.081, Florida Statutes, by this act shall expire on July 1, 2002, and the text of those provisions shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 5. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, subsection (6) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years, the Department of Education shall assist up to three school districts in conducting a pilot of the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Education Program to the International Baccalaureate Program and submit the report to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2000.~~

Section 6. *The amendment of subsection (6) of section 240.116, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 7. In order to implement Specific Appropriation 178 of the 2001-2002 General Appropriations Act, subsection (7) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(7) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent below and 15 percent above *the combined total of* the fee schedule adopted by the State Board of Community Colleges *and the technology fee adopted by a board of trustees*, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Community Colleges based on criteria approved by the local board of trustees, including but not limited to criteria such as local crime data and information, and strategies for the implementation of local safety plans. For 1999-2000, each community college is authorized to increase the sum of the matriculation fee and technology fee by not more than 5 percent of the sum of the matriculation and local safety and security fees in 1998-1999. However, no fee in 1999-2000 shall exceed the prescribed statutory limit. Should a college decide to increase the matriculation fee, the funds raised by increasing the matriculation fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

Section 8. *The amendment of subsection (7) of section 240.35, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 9. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of *75* ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

Section 10. *The amendment of paragraph 240.209(3)(e), Florida Statutes, by this act shall expire July 1, 2002, and the text of that paragraph shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 11. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural

arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 12. *The amendment of subsection 240.35(11), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 13. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (a) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner. Beginning with the 1999-2000 school year, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with the *2002-2003* ~~2001-2002~~ school year, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.

Section 14. In order to implement Specific Appropriations 302-466 and 503-637 of the 2001-2002 General Appropriations Act, paragraph (c) is added to subsection (16) of section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(16)

(c) For the 2001-2002 fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations 302-466 and the Department of Health in Specific Appropriations 503-637 of the 2001-2002 General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis. This paragraph expires July 1, 2002.

Section 15. *In order to implement Specific Appropriations 408 and 410 of the 2001-2002 General Appropriations Act, notwithstanding the provisions of chapter 216, Florida Statutes, the Department of Children and Family Services is authorized to transfer funds as necessary to achieve a successful transition of staff between that department and the Department of Juvenile Justice. Such transfers of funds shall only require a 3-day consultation period with the House and Senate Appropriations Committees prior to their implementation. The Department of Juvenile Justice is directed to give priority for employment to persons employed at G. Pierce Wood Memorial Hospital (GPW). The Departments of Juvenile Justice and Children and Family Services are also directed to require the contracted Department of Juvenile Justice programs in the catchment area in the contracted sexually violent predator program to give employees from GPW priority for employment. This section expires July 1, 2002.*

Section 16. In order to implement Specific Appropriations 400-402 of the 2001-2002 General Appropriations Act, subsection (8) is added to section 394.908, Florida Statutes, to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) For fiscal year 2001-2002 only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 1998-1999 appropriations shall be allocated, except as specified in this subsection, to the G. Pierce Wood Memorial Hospital catchment area or other districts or counties identified in the 2001-2002 General Appropriations Act. The Department of Children and Family Services is authorized to develop an alternative allocation methodology based on national prevalence data for persons with severe and persistent mental illness for use in the distribution of new funds to the G. Pierce Wood Memorial Hospital catchment area. No district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations, for fiscal year 1998-1999, except for adjustments needed to implement the SunCoast Region. This subsection expires July 1, 2002.

Section 17. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

(1)*(a)* The department shall fund, through each area agency on aging, at least one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. Whenever feasible, an area agency on aging shall be the contracting agency of preference to engage only in the planning and funding of community-care-for-the-elderly core services for functionally impaired elderly persons.

(b) For fiscal year 2001-2002 only, in each county having a population over 2 million, the department shall fund, through each area agency on aging, more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. This paragraph expires July 1, 2002.

Section 18. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(1)*(a)* The department, through the area agency on aging, shall fund in each planning and service area at least one community care service system that provides case management and other in-home and community services as needed to help the older person maintain independence and prevent or delay more costly institutional care.

(b) For fiscal year 2001-2002 only, in each county having a population over 2 million, the department, through the area agency on aging, shall fund in each planning and service area more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. This paragraph expires July 1, 2002.

Section 19. In order to implement Specific Appropriations 348, 350A, and 350C of the 2001-2002 General Appropriations Act, subsection (12) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, 2002.

Section 20. In order to implement Specific Appropriation 3018 of the 2001-2002 General Appropriations Act, paragraph (i) of subsection (2) of section 318.21, Florida Statutes, as amended, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(i) For fiscal year *2001-2002* ~~2000-2001~~ only, and in lieu of the provisions of paragraph (a), five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702. This paragraph *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 21. In order to implement Specific Appropriation 2967 of the 2001-2002 General Appropriations Act, subsection (8) of section 925.037, Florida Statutes, is amended to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(8) Notwithstanding any other provision of this section to the contrary, and for the *2001-2002* ~~2000-2001~~ fiscal year only, funds allocated pursuant to this section shall be distributed to the counties in the designated circuits by the state courts system. This subsection *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 22. In order to implement Specific Appropriations 862-1126 of the 2001-2002 General Appropriations Act, section 25.402, Florida Statutes, is amended to read:

25.402 County Article V Trust Fund.—

(1)(a) The trust fund moneys in the County Article V Trust Fund, administered by the Supreme Court, *may* ~~must~~ be used to compensate counties for the costs they incur under Article V of the State Constitution in operating the state courts system, including the costs they incur in providing and maintaining court facilities.

(b) The Supreme Court shall adopt an allocation and disbursement plan for the operation of the trust fund and the expenditure of moneys deposited in the trust fund. The Supreme Court shall include the plan in its legislative budget request. A committee of 15 people shall develop and recommend the allocation and disbursement plan to the Supreme Court. The committee shall be composed of:

1. Six persons appointed by the Florida Association of Counties, as follows:

a. Two persons residing in counties with populations *fewer* ~~less~~ than *90,000* ~~75,000~~.

b. Two persons residing in counties with populations greater than *89,999* ~~74,999~~, but *fewer* ~~less~~ than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

a. Two persons residing in counties with populations *fewer* ~~less~~ than *90,000* ~~75,000~~.

b. Two persons residing in counties with populations greater than *89,999* ~~74,999~~, but *fewer* ~~less~~ than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

a. One person residing in a county with a population *fewer* ~~less~~ than *90,000* ~~75,000~~.

b. One person residing in a county with a population greater than *89,999* ~~74,999~~, but *fewer* ~~less~~ than 700,000.

c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than *90,000* ~~75,000~~ residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, *2001* ~~1998~~, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund for the following purposes:

1. Funds paid to counties with populations *fewer* ~~less~~ than *90,000* ~~75,000~~ shall be grants-in-aid to be used, in priority order, for: *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B;* consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding *89,999* ~~74,999~~ shall be grants-in-aid *to be used, in priority order,* for *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B,* costs paid by the county for expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

(2) This section *expires* ~~is repealed~~ June 30, 2002.

Section 23. In order to implement Specific Appropriation 2968 of the 2001-2002 General Appropriations Act, subsections (1) and (2) of section 29.009, Florida Statutes, are amended to read:

29.009 Contingency fund.—

(1) Any county with a population of less than *90,000* ~~85,000~~, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal-case-related costs.

(2) The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, *and contingent upon specific appropriation,* it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal-case-related costs and that the deficiency will result in an impairment of the operations of the county.

Section 24. *The amendment of subsections 29.009(1) and (2), Florida Statutes, by this act shall expire July 1, 2002, and the text of these subsections shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 25. *Consistent with the provisions of section 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1248, 1259, 1268, 1278, 1280A, 1281, 1289, 1296, and 1302 of the 2001-2002 General Appropriations Act for salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section expires July 1, 2002.*

Section 26. In order to implement Specific Appropriations 1248-1307 of the 2001-2002 General Appropriations Act, subsection (17) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the 2001-2002 fiscal year only, the Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection expires July 1, 2002.

Section 27. *In order to implement proviso language following Specific Appropriation 1225 of the 2001-2002 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2002.*

Section 28. In order to implement Specific Appropriations 681-788F and 819-848 of the 2001-2002 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the *2001-2002* ~~2000-2001~~ fiscal year only:~~,~~

(a) If the actual inmate population of the Department of Corrections exceeds by 2 percent for 2 consecutive months or more the inmate population projected by the Criminal Justice Estimating Conference on *February 16, 2001* ~~March 2, 2000~~, the Executive Office of the Governor may request positions in excess of the number authorized by the Legislature and sufficient funding from the Working Capital Fund to operate the additional prison bed capacity necessary to accommodate the actual inmate population.

(b) If, by October 1, 2001, a contract with a private vendor or vendors for the delivery of health care services at institutions located in Department of Corrections Region IV has not been executed, up to 97 positions in excess of the number authorized and appropriate salary rate may be approved, provided that sufficient funds are available to pay salaries and benefits. If a contract for the provision of health care services in the Department of Corrections Region IV is subsequently executed, the Executive Office of the Governor shall place these positions and associated salary rate into reserve.

(c) In order to implement a Close Management Consolidation Plan in the Department of Corrections, positions in excess of the number authorized and appropriate salary rate may be approved provided that the Secretary of Corrections certifies that there are no vacant positions that may be used for this purpose.

Such *requests are* ~~request is~~ subject to the budget amendment and consultation provisions of this chapter. This subsection *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 29. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 938.01, Florida Statutes, as amended by section 39 of chapter 2000-171, Laws of Florida, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Department of Law Enforcement

Operating Trust Fund and shall be disbursed to the Department of Law Enforcement.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Department of Law Enforcement Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 30. *The amendment of subsection (1) of section 938.01, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 31. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 943.25, Florida Statutes, as amended by section 41 of chapter 2000-171, Laws of Florida, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of Law Enforcement may approve, for disbursement from the Department of Law Enforcement Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 32. *The amendment of subsection (1) of section 943.25, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 33. *(1) In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, the Criminal Justice Program shall be transferred from the Department of Community Affairs to the Department of Law Enforcement by a type two transfer, pursuant to section 20.06(2), Florida Statutes. The Criminal Justice Program so transferred is comprised of the Byrne State and Local Law Enforcement Assistance Program, Local Law Enforcement Block Grants, Drug-Free Communities Program, Residential Substance Abuse Treatment for State Prisoners, the Bulletproof Vest Program, the Guantanamo Bay Refugee and Entrant Assistance Program, the National Criminal History Improvement Program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

(2) In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, from the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services, and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program.

(3) This section expires July 1, 2002.

Section 34. In order to implement Specific Appropriation 1519 of the 2001-2002 General Appropriations Act, subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b)*1.* During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(c) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

2. For fiscal year 2001-2002 only, the provisions of this subparagraph shall supersede the provisions of subparagraph 1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition. This subparagraph expires July 1, 2002.

Section 35. In order to implement Specific Appropriations 2624-2628A of the 2001-2002 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the *2001-2002* ~~2000-2001~~ fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, *2002* ~~2001~~.

Section 36. In order to implement Specific Appropriation 1742 of the 2001-2002 General Appropriations Act, subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, $20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. *Starting in fiscal year 2001-2002, from the cash balance less approved commitments encumbered that is remaining in the Florida Preservation 2000 Trust Fund, the Legislature shall appropriate up to $75 million from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund to be used for the acquisition of lands needed for restoration of the Florida Everglades pursuant to s. 373.470. Furthermore, the remaining cash balances available for the Preservation 2000 programs described in paragraphs (a) through (g) shall be adjusted pro rata for the amount appropriated by the Legislature. Additionally, any cash balances less approved commitments encumbered available to the programs described in paragraphs (a) through (g) at the time the first series of Florida Forever Program bonds is issued and proceeds are deposited into the Florida Forever Trust Fund shall be reserved and remain unavailable for expenditure for projects pursuant to the Florida Preservation 2000 Program until and unless the programs receiving an allocation under the Florida Forever Program described in paragraphs 259.105(3)(a)-(h), respectively, have encumbered all funds available from the first Florida Forever Program bond issue. To the extent that projects eligible for Preservation 2000 funds can also be eligible for Florida Forever funds, the proceeds from Florida Forever bonds may be used to complete transactions begun with Preservation 2000 funds or meet cash needs for property transactions begun in fiscal year 2000-2001.* ~~In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively.~~ The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

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

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

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, $3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(4), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, $3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

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

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

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

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

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

Section 37. *The amendment of subsection 259.101(3), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative*

Services shall include in an appropriate reviser's bill any amendments to such subsection which are necessary to give effect to the legislative intent expressed in this section.

Section 38. In order to implement Specific Appropriation 1789 of the 2001-2002 General Appropriations Act, subsection (8) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(8) *Notwithstanding the provisions of this section,* for fiscal year *2001-2002* ~~2000-2001~~ only, the department shall provide *solid waste management and recycling grants only to* counties with populations under 100,000. *Such grants must be* ~~with~~ at least 80 percent of the level of funding they received in fiscal year *2000-2001* ~~1997-1998 for solid waste management and recycling grants~~. This subsection *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 39. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (1) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(1)*(a)* There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999, preacquisition costs associated with land purchases, and the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

(b) For the 2001-2002 fiscal year only, the use of funds allocated to the Water Management Lands Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.

Section 40. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (2) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(2)*(a)* All revenues accruing from sources designated by law for deposit in the Internal Improvement Trust Fund shall be used for the acquisition, management, administration, protection, and conservation of state-owned lands.

(b) For the 2001-2002 fiscal year only, the use of funds allocated to the Internal Improvement Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.

Section 41. In order to implement Specific Appropriations 1653 and 1748 of the 2001-2002 General Appropriations Act, subsection (11) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(11) Notwithstanding any provision of this section to the contrary, and for the *2001-2002* ~~2000-2001~~ fiscal year only, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection (8) for the purpose of carrying out the purposes of s. 373.0361, *s. 373.0831* ~~s. 375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for legislatively authorized land acquisition and water restoration initiatives. No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for. This subsection *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 42. In order to implement Specific Appropriation 1543A of the 2001-2002 General Appropriations Act, paragraph (b) of subsection (1) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the *2001-2002* ~~2000-2001~~ fiscal year only, up to *$2.2* ~~$4~~ million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund shall be utilized to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness. This paragraph *expires* ~~is repealed~~ on July 1, *2002* ~~2001~~.

Section 43. In order to implement Specific Appropriations 2932-2947A of the 2001-2002 General Appropriations Act, subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(a) For statewide arts grants, $2.7 million.

(b) For arts in education and visiting arts programs, $250,000.

(c) For the State Touring Program, $200,000. First priority for the issuance of State Touring Program grants shall be given to applicants that reside in counties with a population of 75,000 or less.

(d) For local arts agencies or state service organizations, $400,000.

(e)*1.* For the officially designated Art Museum of the State of Florida described in s. 240.711, $2.2 million, and for state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, $500,000.

2. For fiscal year 2001-2002 only, the provisions of subparagraph 1. relating to state-owned cultural facilities shall not be applicable. This subparagraph expires July 1, 2002.

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 44. In order to implement Specific Appropriation 2898B of the 2001-2002 General Appropriations Act, subsection (5) is added to section 98.0975, Florida Statutes, to read:

98.0975 Central voter file; periodic list maintenance.—

(5)(a) For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (1), the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available identifying information of each person included in the central voter file as a registered voter in the supervisor's county whom the division believes may be ineligible to vote based on examination of data obtained from the Florida Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, or any other source that indicates that the person is deceased, has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (3), the division is not required to contract with a private entity to compare information.

(c) For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (4), upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor determines that the information provided by the division is correct, the supervisor must remove from the registration books by the next election the name of any person whom the supervisor confirms is deceased,

has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incapacitated with respect to voting and has not had his or her mental capacity with respect to voting restored.

(d) This subsection expires July 1, 2002.

Section 45. *In order to implement Specific Appropriation 1488A of the 2001-2002 General Appropriations Act:*

(1) The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.

(2) To be eligible to receive compensation under the program, a homeowner must:

(a) Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;

(b) Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

(c) Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

(3) The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be $100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to $500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

(6) The department shall develop a plan to identify, document, and distribute funds in Specific Appropriation 1488A to applicable residents. The department shall submit the plan to the Legislative Budget Commission for review pursuant to section 216.177, Florida Statutes, prior to the release of any funds.

(7) This section expires July 1, 2002.

Section 46. In order to implement section 8 of the 2001-2002 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Notwithstanding the provisions of subsections (1) and (2), under the state employees' prescription drug program copayments must be made as follows:

~~(a) For the period July 1, 2000, through December 31, 2000:~~

~~1. For generic drug with card . . . . . $7.~~

~~2. For brand name drug with card . . . . . $20.~~

~~3. For generic mail order drug with card . . . . . $7.~~

~~4. For brand name mail order drug with card . . . . . $20.~~

(a)~~(b)~~ Effective January 1, 2001:

1. For generic drug with card . . . . . $7.

2. For preferred brand name drug with card . . . . . $20.

3. For nonpreferred brand name drug with card . . . . . $35.

4. For generic mail order drug ~~with card~~ . . . . . $10.50.

5. For preferred brand name mail order drug ~~with card~~ . . . . . $30.

6. For nonpreferred brand name drug ~~with card~~ . . . . . $52.50.

(b)~~(c)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, *2002* ~~2001~~.

Section 47. In order to implement section 8 of the 2001-2002 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the *2001-2002* ~~2000-2001~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each revenue estimating conference on health insurance as provided in s. 216.136(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section *expires* ~~is repealed on~~ July 1, *2002* ~~2001~~.

Section 48. In order to implement sections 2-7 of the 2001-2002 General Appropriations Act, subsections (5) and (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.

2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.

3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Comptroller shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(c) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Fifty dollars per diem; or

2. If actual expenses exceed $50, the amounts permitted in paragraph (b) for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast $3

2. Lunch $6

3. Dinner $12

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(d) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

Section 49. *(1) In order to implement Specific Appropriations 2654-2660B and section 47 of the 2001-2002 General Appropriations Act, the Department of Management Services shall submit a plan for the outsourcing of human resource services to the Executive Office of the Governor and the President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council. This plan shall include:*

(a) The costs associated with contracting for outsourcing of human resource services;

(b) The costs associated with providing those human resource services not outsourced; and

(c) The cost savings anticipated by the state.

(2) The President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council must approve the plan submitted by the department for the outsourcing of human resource services before the department may implement the plan. Upon approval of the plan, the department shall contract with a service provider for human resource services on behalf of all state agencies.

(3) The department shall work with each state agency regarding the implementation of the approved plan. During implementation of the outsourced human resource services, agency full-time-equivalent (FTE) service positions and associated rate shall be placed in unbudgeted reserve by the Executive Office of the Governor pursuant to section 216.181, Florida Statutes. Each agency shall transfer any budget associated with the reserved FTE to a special category for human resource services. To the extent necessary to pay an agency's portion of the costs of the outsourced human resource services, the agency shall pay a special assessment fee to the Department of Management Services.

(4) For purposes of this section, the term "state agencies" means all state entities and government branches using the Cooperative Personnel Employment System (COPES) on March 15, 2001.

(5) Notwithstanding the provisions of sections 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds between agencies to implement the human resource outsourcing plan.

(6) This section expires July 1, 2002.

Section 50. *In order to implement Specific Appropriations 2729-2733 and section 55 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, the Executive Office of the Governor, in consultation with the Senate Appropriations Committee and the House Fiscal Responsibility Council, shall develop the initial budget and accounting code structure for the State Technology Office created by section 282.102, Florida Statutes.*

Section 51. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (1) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1)*(a)* Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, state employees may be authorized to receive fundable tuition waivers on a space-available basis or vouchers to attend work-related courses at public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), state employees may not be authorized to receive fundable tuition waivers on a space-available basis. This paragraph expires July 1, 2002.

Section 52. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (7) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(7)*(a)* The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), the Board of Regents is not authorized to permit State University System employees to enroll for tuition-free courses. This paragraph expires July 1, 2002.

Section 53. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2001-2002 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2001-2002 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 54. *If any other act passed during the 2001 Regular Session of the Legislature or any extension thereof contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 55. *The agency performance measures and standards in the document entitled "Florida's Budget 2001 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2001-02" dated May 1, 2001, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2001-2002, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their Long-Range Program Plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

Section 56. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 57. This act shall take effect July 1, 2001; or, in the event this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; amending s. 240.209, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; providing for future reversion to current text; amending s. 240.35, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; providing for future reversion to current text; amending s. 236.081, F.S.; prescribing a method for determining a school district full-time equivalent membership; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 394.908, F.S.; providing for the allocation of certain funds to the G. Pierce Wood Memorial Hospital catchment area or to designated districts or counties; directing the Department of Children and Family Services to develop alternative allocation methodology; amending ss. 430.204, 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and community-care-for-the-elderly services; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 29.009, F.S.; revising eligibility criteria for receiving funds for extraordinary criminal-case-related costs; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; providing for future reversion to current text; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; providing for use of moneys allocated to the Water Management Lands Trust Fund; amending s. 253.01, F.S.; providing for use of moneys allocated to the Internal Improvement Trust Fund; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 265.2861, F.S.; revising programs supported by the Cultural Institutions Trust Fund; amending s. 98.0975, F.S.; providing for the Division of Elections to compile a list of ineligible voters; requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; requiring the Department of Management Services to submit a plan for outsourcing human resource services; requiring approval before implementation of the plan; providing for development of the initial budget and accounting code structure for the State Technology Office; amending ss. 110.1099, 240.209, F.S.; providing that state employees and State University System employees may not receive tuition waivers or tuition-free courses; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other

legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Horne was adopted. **SB 2002** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

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

Nays—None

MOTION

On motion by Senator Rossin, the following remarks were ordered spread upon the Journal:

Mr. President: The Senator from the 6th is recognized to explain the bill.

Senator Horne: Thank you, Mr. President. This is our one and only constitutional responsibility that we must carry out. It is our budget. As I have mentioned earlier, I think it is something we can certainly be very proud of. A lot of hard work went into it. I think we laid out the guiding principles from which we have built our budget. I think we have stuck to those guiding principles. I think we have built a budget that we can all hold our heads high, be very proud of. When you go back to your districts you can certainly, I think, answer the call that we met the priority needs of the State of Florida. Again, I urge your very positive vote on this great bill.

Mr. President: We agreed to debate by the Senator from the 35th and the Senator from the 8th. The Senator from the 35th is recognized to debate the bill.

Senator Rossin: Thank you, Mr. President. Senators, our Governor submitted what many of you have heard me say many times, what I believe to be an irresponsible budget that we had to try to fix. I am grateful to the Senators here who have worked so hard and have made significant improvements to the inexcusable proposal sent to us by Governor Bush. Because of them, this budget has improved significantly through the conference process.

But this is not how this process is supposed to work. Our Governor should be submitting a budget to us with so much vision that it challenges us to rise to the occasion and make it a reality.

Let me tell you what the Governor should have been concerned with. The State of Florida is 45th in state and local education spending as a percentage of general spending, 43rd in state health rankings, 46th in state and local spending for our education as a percentage of general spending, 40th in per capita Medicaid spending, 50th in state and local spending for higher education overall, and 43rd in average Medicaid spending per child. But the Governor was not concerned with these things. Our President and Appropriations Chairman were put in the position of being a cleanup crew that had to come behind him and cobble together the best budget possible just to cover the basic needs of the state.

Again, I commend the ingenuity and creativity of this Senate to pull us out of a budgetary hole to the extent that they could. But handicapping us with over $300 million in proposed tax cuts, when we have a huge Medicaid shortfall, was just too much to entirely recover from. The state is not in as deep a hole as we could be, thanks to Senator Horne and the other members of the Appropriations Committee.

But, make no mistake, we are in a hole. I feel the hole will only get bigger and deeper next year. This budget is held together with fund shifts and projected savings which may or may not totally occur. I honestly cannot imagine where we would be without the Tobacco Trust Fund and the Florida Retirement System or the rebates on that.

Democrats were proud to stand behind our Senate President when he said this was not the year to do tax cuts. I continue to agree with that position. Because of the lack of leadership by the Governor, this budget contains many questions. For example, why, in the education budget, has so much revenue been put into categoricals that limit flexibility at the local level while decreasing control funds? Why has our base student allocation gone down $3 per child this year, the first drop in eight years? What are we going to do about the skyrocketing gas and utility prices, which are not allocated for in this budget? And why, for the first time, are we funding our charter schools out of PECO?

The Governor has sent us a proposal that balances the budget on the backs of our needy citizens so that the rich could have more tax cuts. Democrats have been stressing, since the Governor submitted this budget proposal, that his responsibility is not just to a select few. His responsibility is to all the people of Florida. The Governor's budget and his legislative priorities simply have not reflected that. If Governor Bush wanted a responsible budget for this state, he would have submitted one to the Legislature and he would be taking a leadership role and ensuring that we pass one now. It is about time Governor Bush realized that he is Governor of all the people, young and old, rich and poor, and everyone in between.

My Senate colleagues around this room have gone to unprecedented lengths to salvage the one bill we are required to pass by law. My vote against this budget is a protest aimed directly at the Governor and in no way should be construed as anything but appreciation and gratitude to the Senate leadership for a job well done.

Mr. President, if I may, on a personal note. Although our Senate President, like I, can be difficult at times, I would like to convey that I believe that people in Florida owe him a debt of gratitude for I sincerely believe that they would have been poorly served in the coming year, if not for his leadership. Thank you, Mr. President.

Mr. President: Thank you, Senator. Thank you. Thank you very much for those kind words, Senator. Let me take the opportunity now, that while I appreciate that credit, I do not think I am deserving of it. I think the membership of this body is deserving of it, because it is 40 people working together representing each about 350,000 people that bring experience to this chamber. I think when we listen to each other, and we have done it in a very collegial manner this year, that we can do good things for the people of the State of Florida. Many of you have said on conference reports that, more than anything, that you want a piece of legislation that you might vote for. I think that is probably all right, because none of us are omnipotent in our views. As I heard, if I can paraphrase, as I heard during the memorial service for Representative Doug Jamerson the other day, you ought to be happy when you have a compromise because you walk away with something. Those were wise words that we all ought to remember. It's not whether I have to win, or they have to win, the Senate has to win, or the House has to win, or the Democrats have win, or the Republicans have to win. We need to work for the State of Florida; that is why we are here. Each of you are to be congratulated for your very hard work during this session and for the sacrifices you make. You honor me by allowing me to be your President. I thank you so very much for that honor. The Senator from the 8th is recognized to speak.

Senator King: Thank you, Mr. President and members. I have just found out that, through whatever course of action, perhaps the high cost of leadership, the high cost of negotiations or whatever, I will this legislative session, have passed two trust funds and one department bill. Everything else is down the old pipe. That is a shame because I worked hard and so did a lot of other people. But that is not the point.

The point is that even with what could be looked at as legislative failure, we have got a budget before us that none of us, none of us, six months ago, five months ago, four months ago, thought we could ever have or ever brag about. I like the old adage, you take the lemons and make lemonade. We have done that this time. We have stretched money further than I ever thought we could stretch. I looked at some of the things that we were cutting in the original cuts. If you remember those,

those $500 or $600 million worth of cuts. I said, oh my goodness. How would we ever explain to constituents who are looking at those services, those programs and those entities as not only a lifestyle, but for life.

We plodded ahead. Thank goodness for having an Appropriations Chairman who is a CPA and who found little pods here, and little pods there; and we shifted money here, and we shifted there. The end result is that the people of Florida are so much better served with this budget now than any of us ever imagined. The Senate stood tall. We held our position when it was not popular to hold, and it certainly was not popular for the President to hold it, and yet he did. By doing so, in conference committee, we were able, for the most part, to prevail.

What about the fairness part of it all? If you look at the moneys that were spent, 36 percent of it went to Democrats in the Senate. Senate Democrats represent 35 percent of the body. What could be more fair than a budget that not only matches the partisan lines, but also meets the expectations of the constituents that we serve. We should leave this chamber, when we leave this chamber, with heads held high, shoulders thrown back, proud of the fact, first of all, we are allowed to be Senators. Secondly, happy that we were able to craft the budget. And thirdly, that we were able to look, forever for this year, at our constituents and say, we did the best that we could and what we did was pretty good. Thank you.

Mr. President: The Senator from the 6th is recognized to close on the bill.

Senator Horne: Thank you, Mr. President. I will not say much. I have already said as much as I think I can say. I am very proud of this budget. A lot of blood, sweat, and tears have gone into it, a lot of hard work. Everybody was part of it. I am very proud of the effort of the subcommittee chairmen and the members that were involved in this process. You have made me look good. And, in turn, I think we have made our President look good. We did this together, united. I think, as we leave here we can all walk out arm-in-arm, that we did our best job. This is a very good budget. The people of Florida, I think, will be proud. We have met the priorities. We have done our job.

Mr. President: For what purpose does the Senator from the 35th rise?

Senator Rossin: Just to request that we spread the reasons for the negative votes on the journal.

Mr. President: Senator, why don't we spread on the journal the remarks of all those who spoke either in favor or in opposition to the Appropriations Bill, both before the hour of 6:00 p.m., as well as now? Without objection, show that motion passing.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, and passed CS for CS for HB 1053 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals;

directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

House Amendment 1 (952581)(with title amendment) to Senate Amendment 1—On page 197, between lines 13 and 14 insert:

Section 122. Subsections (1) and (21) of section 316.003, Florida Statutes, are amended, and subsection (82) is added to said section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, *the Department of Health,* and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle*, motorized scooter,* or moped.

(82) MOTORIZED SCOOTER.—Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.

Section 123. Subsections (2) and (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—

(a) Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

Section 124. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*~~, as authorized in s. 320.58(1)(a),~~ may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 125. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed $100 *or the fine amount designated by county ordinance,* plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 126. Subsection (2) of section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—

(2) This section does not apply to the operator of:

(a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated antitheft device that prohibits the vehicle from being driven; ~~or~~

(b) A licensed delivery truck or other delivery vehicle while making deliveries*; or*~~.~~

(c) A solid waste or recovered materials vehicle while collecting such items.

Section 127. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle *and motorized scooter* regulations.—

(1) Every person propelling a vehicle by human power*, or operating a motorized scooter as defined in s. 316.003,* has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger who violates this subsection. A bicycle rider or passenger who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) A person operating a motorized scooter may not carry passengers.

(4) No person riding upon any bicycle, coaster, roller skates, sled, *motorized scooter,* or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle*, motorized scooter,* or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, *motorized scooter,* pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle *or motorized scooter* and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle *or motorized scooter* upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles *or motorized scooters* upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle *or motorized scooter* shall keep at least one hand upon the handlebars.

(8) Every bicycle *or motorized scooter* in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or *motorized scooter* ~~its~~ rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power *or operating a motorized scooter,* upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(12) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle *and motorized scooter* shall be equipped with a brake or brakes which will enable its rider to stop the bicycle *or motorized scooter* within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles *or motorized scooters* at retail shall not sell *such* ~~any~~ bicycle *or motorized scooter* unless *it* ~~the bicycle~~ has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or

2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a bicycle helmet or the failure of a parent or guardian to prevent a child from riding a bicycle without a bicycle helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 128. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any *commercial* motor vehicle or trailer~~, except as stated in s. 316.515(7),~~ transporting a load of *unprocessed* logs *or*~~, long~~ pulpwood, ~~poles, or posts~~ which *load extends* ~~extend~~ more than 4 feet beyond the rear of the body or bed of such vehicle*,* must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this subsection.* The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load shall also be marked with a red flag as described in subsection (1).*

Section 129. Subsection (9) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(9) Flashing red lights may be used by emergency response vehicles of the Department of Environmental Protection *and the Department of Health* when responding to an emergency in the line of duty.

Section 130. Section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a *moving* ~~nonmoving~~ violation as provided in chapter 318.

(4) This section does not apply to vehicles carrying agricultural products locally from a field harvest site to a farm storage site or to a farm feed lot on roads where the posted speed limit is 60 miles per hour or less and the distance driven on public roads is less than 20 miles.

Section 131. Subsections (1), (2), and (3) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph~~.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of *a state university, a direct support organization of such state university, or any other organization controlled by the state university or a direct support organization of the state university* ~~the State University System~~, except that traffic laws may be enforced off-campus when hot pursuit originates ~~on campus~~ *on or adjacent to any such property or facilities.*

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved *in the crash* has committed an offense under this chapter*, chapter 319, chapter 320, or chapter 322* in connection with

the *crash* ~~accident~~. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph~~.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved *in the crash* has committed an offense under the provisions of this chapter*, chapter 319, chapter 320, or chapter 322* in connection with the crash. ~~Nothing in~~ This paragraph *does not* ~~shall be construed to~~ permit the carrying of firearms or other weapons, nor *do* ~~shall~~ such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized above~~.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. ~~Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.~~

3. A parking enforcement specialist employed pursuant to this subsection may not carry firearms or other weapons or have arrest authority.

Section 132. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3) Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator. *If a law enforcement officer distributes additional information, such information shall be a copy of the traffic school reference guide.*

Section 133. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. ~~A person may make no more than five elections under this subsection.~~ The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

Section 134. Subsection (6) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars *or the fine amount designated by county ordinance, plus court costs* for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a $5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of $12, $2.50 of which must be deposited into the General Revenue Fund, and $9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of $4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, *2002* ~~2001~~, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrable financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

Section 135. Paragraph (b) of subsection (1) and subsection (2) of section 322.0261, Florida Statutes, are amended to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(1) The department shall screen crash reports received under s. 316.066 or s. 324.051 to identify crashes involving the following:

(b) A ~~second~~ crash ~~by the same operator within the previous 2-year period~~ involving property damage in an apparent amount of at least *$2,500* ~~$500~~.

(2) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash identified pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved *basic* driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

Section 136. Section 322.02615, Florida Statutes, is created to read:

322.02615 Mandatory driver improvement course; certain violations.—

(1) The department shall screen reports of convictions for violations of chapter 316 to identify operators who:

(a) Are less than 21 years of age and have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance.

(b) Have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a 12-month period.

(2) With respect to an operator convicted of, or who has pleaded nolo contendere to, a noncriminal traffic offense identified under subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved basic driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver's license shall be suspended by the department until the course is successfully completed.

(3) Attendance of a course approved by the department as a driver improvement course for purposes of s. 318.14(9) shall satisfy the requirements of this section. However, attendance of a course as required by this section is not included in the limitation on course elections under s. 318.14(9).

Section 137. Subsection (5) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(5)(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of *the traffic school reference guide or course provider list referred to in paragraph (b)* ~~directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide~~. However, the department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). *Course providers receiving requests for information about traffic schools from geographic areas that they do not serve shall provide a telephone number for a course provider that they believe services such geographic area.*

(b) The department shall prepare for any governmental entity *or court* ~~to distribute~~ a traffic school reference guide which shall list the benefits of attending a driver improvement school *and contain the names of the fully approved course providers with a single telephone number for each such provider, as furnished by the provider. The cost of producing the traffic school reference guide must be assumed equally by providers electing to have their course included in the guide. Clerks of court may reproduce the traffic school reference guide course provider list, provided that each name is rotated on each reproduction so that each provider occupies each position on the list in a equitable manner*~~, but under no circumstance may any list of course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction~~.

Section 138. Section 319.001, Florida Statutes, is amended to read:

319.001 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "Front-end assembly" means fenders, hood, grill, and bumper.

(3)~~(2)~~ "Licensed dealer," unless otherwise specifically provided, means a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

(4) "Motorcycle body assembly" means frame, fenders, and gas tanks.

(5) "Motorcycle engine" means cylinder block, heads, engine case, and crank case.

(6) "Motorcycle transmission" means drive train.

(7)~~(3)~~ "New mobile home" means a mobile home the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

(8)~~(4)~~ "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall sign an acknowledgment, a copy of which is kept in the selling dealer's file.

(9) "Rear body section" means both quarter panels, decklid, bumper, and floor pan.

(10)~~(5)~~ "Satisfaction of lien" means full payment of a debt or release of a debtor from a lien by the lienholder.

(11)~~(6)~~ "Used motor vehicle" means any motor vehicle that is not a "new motor vehicle" as defined in subsection *(8)*~~(4)~~.

Section 139. Subsections (1), (2), and (3) of section 319.14, Florida Statutes, are amended, subsections (6), (7), and (8) are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt *or*~~,~~ assembled from parts, ~~or combined,~~ or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt *or*~~,~~ assembled from parts, ~~or combined,~~ or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department or its agent has conducted the physical examination of the vehicle to assure the identity of the vehicle *and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt*.

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

b. "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

c. "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles.

3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts *or combined from parts* of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3., which has been declared a total loss pursuant to s. 319.30.

~~5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."~~

5.~~6.~~ "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

6.~~7.~~ "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

7.~~8.~~ "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

8.~~9.~~ "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by water.

9.~~10.~~ "Nonconforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

10.~~11.~~ "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in s. 681.102.

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale, exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or is a vehicle that is rebuilt *or*~~,~~ assembled from parts, ~~or combined,~~ or is a kit car, glider kit, replica, or flood vehicle, or is a nonconforming vehicle, as the case may be.

(3) Any person who, with intent to offer for sale or exchange any vehicle referred to in subsection (1), knowingly or intentionally advertises, publishes, disseminates, circulates, or places before the public in any communications medium, whether directly or indirectly, any offer to sell or exchange the vehicle shall clearly and precisely state in each such offer that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or that the vehicle or mobile home is a vehicle that is rebuilt *or*~~,~~ assembled from parts, ~~or combined,~~ or is a kit car, glider kit, replica, or flood vehicle, or a nonconforming vehicle, as the case may be. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who removes a rebuilt decal from a rebuilt vehicle or who knowingly possesses a rebuilt vehicle from which a rebuilt decal has been removed is guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 140. Paragraph (c) of subsection (3) and subsection (5) of section 319.23, Florida Statutes, is amended and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by:

~~(c) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application shall be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.~~

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title issued.

Section 141. Paragraph (a) of subsection (1) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(1)(a) In the event of the transfer of ownership of a motor vehicle or mobile home by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, attachment, execution or other judicial sale or whenever the engine of a motor vehicle is replaced by another engine or whenever a motor vehicle is sold to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, and upon the surrender of the prior certificate of title or, when that is not possible, presentation of satisfactory proof to the department of ownership and right of possession to such motor vehicle or mobile home, and upon payment of the fee prescribed by law and presentation of an application for certificate of title, the department may issue to the applicant a certificate of title thereto. ~~If the application is predicated upon a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, the original instrument or a certified copy thereof shall accompany the application; however, if an owner under a chattel mortgage voluntarily surrenders possession of the motor vehicle or mobile home, the original or a certified copy of the chattel mortgage shall accompany the application for a certificate of title and it shall not be necessary to institute proceedings in any court to foreclose such mortgage.~~

Section 142. Paragraphs (e) and (f) of subsection (1) and paragraph (b) of subsection (3) of section 319.30, Florida Statutes, are amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(e) "Major component parts" means*:*

1. For motor vehicles other than motorcycles: the front-end assembly (fenders, hood, grill, bumper), cowl assembly, rear body section (both quarter panels, decklid, bumper), floor pan, door assemblies, engine, frame, transmission, and airbag.

2. For trucks, in addition to 1. above: the truck bed.

3. For motorcycles: body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes: the frame. ~~the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; rear body section (both quarter panels, decklid, bumper, and floor pan); door assemblies; engine; frame; or transmission.~~

(f) "Major part" means the front-end assembly ~~(fenders, hood, grill, and bumper); cowl assembly; or rear body section (both quarter panels, decklid, bumper, and floor pan)~~.

(3)

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than $1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide*. An insurer paying a total loss claim may obtain a certificate of destruction for such vehicle.* ~~or~~ When a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine*, the insurer shall obtain a certificate of title in its own name before the vehicle may be sold or transferred*. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 143. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, *motorized scooters,* or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed *the* ~~40 feet in~~ length*,* ~~and the~~ height*,* and ~~the~~ width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from

the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 144. Subsections (18) and (19) are added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(18) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated, for the purpose of infant hearing screening in Florida.

(19) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

Section 145. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary checkoff contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~,any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 146. Subsections (1) and (2) of section 320.025, Florida Statutes, are amended to read:

320.025 Registration certificate and license plate issued under fictitious name; application.—

(1) A confidential registration certificate and registration license plate *or decal* shall be issued under a fictitious name only for a motor vehicle *or vessel* owned or operated by a law enforcement agency of state, county, municipal, or federal government, the Attorney General's Medicaid Fraud Control Unit, or any state public defender's office. The requesting agency shall file a written application with the department on forms furnished by the department, which includes a statement that the license plate will be used for the Attorney General's Medicaid Fraud Control Unit, or law enforcement or any state public defender's office activities requiring concealment of publicly leased or owned motor vehicles *or vessels* and a statement of the position classifications of the individuals who are authorized to use the license plate. The department may modify its records to reflect the fictitious identity of the owner or lessee until such time as the license plate and registration certificate are surrendered to it.

(2) Except as provided in subsection (1), any motor vehicle owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a license plate of the type prescribed in s. 320.0655. *Any vessel owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a registration number as required in s. 328.56 and a vessel decal as required in s. 328.48(5).*

Section 147. Subsections (1) and (2) of section 320.05, Florida Statutes, are amended read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in *ss.* ~~s.~~ 119.07(3) *and 320.025(3)*, the department may release records as provided in this section.

(2) Upon receipt of an application for the registration of a motor vehicle*, vessel,* or mobile home, as herein provided for, the department shall register the motor vehicle*, vessel,* or mobile home under the distinctive number assigned to such motor vehicle*, vessel,* or mobile home by the department. Electronic registration records shall be open to the inspection of the public during business hours. Information on a motor vehicle *or vessel* registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle *or vessel* registration record shall record the name and address of any person other

than a representative of a law enforcement agency who requests and receives information from a motor vehicle *or vessel* registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (3) have been paid. The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe child support or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

Section 148. Subsection (5) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(5) For a vehicle subject to *apportioned* registration under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis. *For vehicles subject to registration other than apportioned under s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.*

Section 149. Paragraphs (b) and (c) of subsection (1) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be $10, $2 of which shall be paid each year before the plate is replaced, to be credited towards the next $10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month*, license plate number, and the year of expiration* or the appropriate renewal period if the owner is not a natural person. *The validation sticker is to be placed on the upper right corner of the license plate.* ~~This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate.~~ Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the *month and* year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 150. Paragraphs (h) and (i) are added to subsection (2) of section 320.072, Florida Statutes, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of $100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(h) Any license plate issued in the previous 10-year period from the date the transaction is being processed.

(i) Any license plate issued to a vehicle taxed under s. 320.08(2), (3), and (9)(c) or (d) at any time during the previous 10-year period.

Section 151. Subsection (6) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(6) A personalized prestige license plate shall be issued for the exclusive continuing use of the applicant. An exact duplicate of any plate may not be issued to any other applicant during the same registration period. An exact duplicate may not be issued for any succeeding year unless the previous owner of a specific plate relinquishes it by failure to apply for renewal or reissuance for *1 year following the last year of issuance* ~~three consecutive annual registration periods following the original year of issuance~~.

Section 152. Paragraph (h) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(h) Florida educational license plate, *$25* ~~$15~~.

Section 153. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, and paragraphs (a), (b), and (c) of subsection (8) of that section, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ff) Florida Golf license plate, $25.

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates*, including annual renewals,* are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates*, including annual renewals,* are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has

stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *An organization is required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and the organization must comply with s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3)*,* ~~and~~ (13)*, (21), and (26)*.

Section 154. Subsection (32) is added to section 320.08058, Florida Statutes to read:

320.08058 Specialty license plates.—

(32) FLORIDA GOLF LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.

(b) The department shall distribute the Florida Golf license plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:

1. Up to five percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.

2. The Dade Amateur Golf Association shall receive the first $80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.

3. The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

(c) The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf, and stress life skills, fair play, courtesy, and self-discipline.

(d) The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.

Section 155. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits *and attestation* required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $25,000 in annual use fee proceeds directly from the department, or from another state agency, may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit~~ or report shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(2) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 156. Subsection (1) of section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile *or truck* for private use, a truck weighing not more than *7,999* ~~5,000~~ pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), *(4)(a), (b), (c), (d), (e), or (f),* or (9); and

(b) An initial additional fee of $5, and an additional fee of $1.50 thereafter.

Section 157. Subsections (1), (2), and (3) of section 320.089, Florida Statutes, are amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart"

stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary beginning with fiscal year 2000-2001 and annually thereafter, the first $50,000 in general revenue generated from the sale of license plates issued under this section which are stamped with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve" shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund.

(c) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued one appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile *or truck* for private use, truck weighing not more than *7,999* ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile *or truck* for private use, truck weighing not more than *7,999* ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

Section 158. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check*, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office.*. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 159. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where ~~both sellers and~~ buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while per-

forming their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) CERTIFICATE OF TITLE REQUIRED.—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession *or control* a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has failed to comply with any of the following provisions ~~with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee~~:

(a) Willful violation of any other law of this state, including chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes or willful failure to comply with any administrative rule promulgated by the department. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

(b) Commission of fraud or willful misrepresentation in application for or in obtaining a license.

(c) Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

(d) Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

(e) Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

(f) Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

(g) Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

(h) Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

(i) Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

(j) Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

(k) Requirement by the motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

(l) Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

(m) Either a history of bad credit or an unfavorable credit rating as revealed by the applicant's official credit report or by investigation by the department.

(n) Failure to disclose damage to a new motor vehicle as defined in s. 320.60(10) of which the dealer had actual knowledge if the dealer's actual cost of repair, excluding tires, bumpers, and glass, exceeds 3 percent of the manufacturer's suggested retail price; provided, however, if only the application of exterior paint is involved, disclosure shall be made if such touch-up paint application exceeds $100.

(o) Failure to apply for transfer of a title as prescribed in s. 319.23(6).

(p) Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

(q) Conviction of a felony.

(r) Failure to continually meet the requirements of the licensure law.

(s) *A person who has been* ~~When a motor vehicle dealer is~~ convicted of a crime*, infraction, or violation as set forth in paragraph (g)* ~~which results in his or her being prohibited from continuing in that capacity, the dealer~~ may not *serve* ~~continue~~ in any capacity within the industry. *Such person* ~~The offender~~ shall have no financial interest, management, sales, or other role in the operation of a dealership. Further, the *person* ~~offender~~ may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business. *The license or application of any dealership in which such person has an interest or plays a role in violation of this subsection shall be denied or revoked, as the case may be.*

(t) Representation to a customer or any advertisement to the general public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the general public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

(u) Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. A single violation of this paragraph is sufficient for revocation or suspension. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

(v) Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

Section 160. Section 320.691, Florida Statutes, is created to read:

320.691 Automobile Dealers Industry Advisory Board.—

(1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.

2. The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.

3. As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

(c) The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) PER DIEM, TRAVEL, AND STAFFING.—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

Section 161. Subsection (26) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(26) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, *motorized scooters,* and motorized bicycles as defined in s. 316.003.

Section 162. Subsections (4) and (5) are added to section 322.0261, Florida Statutes, to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(4) The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.

(5) In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, the department shall consider only those courses submitted by a person, business, or entity which receive:

(a) Approval for statewide delivery.

(b) Independent scientific research evidence of course effectiveness.

Section 163. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated *six* ~~four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of *six* ~~four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also

automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 164. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. *322.05(2)(a) and (b),* 322.09*,* and 322.16(2) and (3). ~~Any person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license.~~ The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 165. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary *check-off* ~~checkoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ must be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 166. Present subsections (2) through (7) of section 322.095, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and new subsections (2) and (3) are added to said section, to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(2) The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.

(3) In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, for courses submitted on or after July 1, 2001, the department shall consider only those courses submitted by a person, business, or entity which receive:

(a) Approval for statewide delivery.

(b) Independent scientific research evidence of course effectiveness.

Section 167. Section 322.222, Florida Statutes, is created to read:

322.222 Right to review.—A driver may request an administrative hearing to review a revocation pursuant to s. 322.221(3). The hearing shall be held in accordance with the department's administrative rules that the department shall have promulgated pursuant to chapter 120.

Section 168. Subsection (7) of section 322.25, Florida Statutes, is amended to read:

322.25 When court to forward license to department and report convictions; temporary reinstatement of driving privileges.—

(7) Any licensed driver convicted of driving, or being in the actual physical control of, a vehicle within this state while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, and whose license and driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege ~~as provided by s. 322.282~~. The court order for reinstatement shall be on a form provided by the department and must be taken by the person convicted to a Florida driver's license examining office, where a temporary driving permit may be issued. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 169. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th* ~~30th~~ day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 170. Subsection (5) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(5) The department shall revoke the license of any person designated a habitual offender, as set forth in s. 322.264, and such person shall not be eligible to be relicensed for ~~a minimum of~~ 5 years from the date of revocation, except as provided for in s. 322.271. Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.

Section 171. Subsection (2) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, and is not otherwise specified by law, the department shall forthwith revoke the driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days after such revocation by the department, petition the court for further hearing on the period of revocation, and the court may reopen the case and determine the period of revocation within the limits specified in paragraph (a).

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his or her normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the

difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

~~(d) When any driver's license or driving privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after the expiration of the period of revocation so prescribed. However, the court may, in its sound discretion, issue an order of reinstatement on a form furnished by the department which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282.~~

(d)~~(e)~~ The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver's license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such driver's license or driving privilege within 30 days after imposing sentence, the department shall permanently revoke the driver's license or driving privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

Section 172. *Section 322.282, Florida Statutes, is repealed.*

Section 173. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) DUI programs shall be either governmental programs or not-for-profit corporations.

Section 174. *Section 322.331, Florida Statutes, is repealed.*

Section 175. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a CMV in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 176. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the *10th* ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 177. Section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond within 30 days from the date of the mailing of notice of crash by the department in such form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that such policy or bond was in effect unless the insurer or surety insurer shall notify the department otherwise within 20 days from the mailing of the notice to the insurer or surety insurer; provided that if the department shall later ascertain that an automobile liability policy, motor vehicle liability policy, or surety bond was not in effect and did not provide coverage for both the owner and the operator, it shall at such time take such action as it is otherwise authorized to do under this chapter. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom such mailing was made and specifying the time, place and manner of mailing.

(2) Each insurer doing business in this state shall immediately give notice to the department of each motor vehicle liability policy when issued to effect the return of a license which has been suspended under s. 324.051(2); and said notice shall be upon such form and in such manner as the department may designate.

(3) Electronic access to the vehicle insurer information maintained in the department's vehicle database may be provided by an approved third-party provider to insurers, lawyers, and financial institutions in compliance with s. 627.736(9)(a) and for subrogation and claims purposes only. The compilation and retention of this information is strictly prohibited.

Section 178. Paragraph (b) of subsection (3) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(3)

(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title ~~and a copy of the applicable contract upon which the claim of ownership is made~~. If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien, unless the application for a certificate of title is either accompanied by proper evidence of the satisfaction or extinction of the lien or contains a statement certifying that any lienholder named on the last-issued certificate of title has been sent notice by certified mail, at least 5 days before the application was filed, of the applicant's intention to seek a repossessed title. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days after the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within the 15-day period, the department shall not issue the repossessed certificate for 10 days thereafter. If, within the 10-day period, no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate, the department shall deliver the repossessed certificate to the applicant, or as is otherwise directed in the application, showing no other liens than those shown in the application.

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

Section 179. Subsection (2) of section 328.42, Florida Statutes, is amended to read:

328.42 Suspension or denial of a vessel registration due to child support delinquency; dishonored checks.—

(2) The department may deny or cancel any vessel registration*, license plate, or fuel-use tax decal if the owner pays for the registration, license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check* ~~if the owner pays for the registration by a dishonored check~~.

Section 180. Section 328.56, Florida Statutes, is amended to read:

328.56 Vessel registration number.—Each vessel that is used on the waters of the state must display a ~~commercial or recreational~~ Florida registration number, unless it is:

(1) A vessel used exclusively on private lakes and ponds.

(2) A vessel owned by the United States Government.

(3) A vessel used exclusively as a ship's lifeboat.

(4) A non-motor-powered vessel.

(5) A federally documented vessel.

(6) A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of 90 consecutive days.

(7) A vessel operating under a valid temporary certificate of number.

(8) A vessel from a country other than the United States temporarily using the waters of this state.

(9) An undocumented vessel used exclusively for racing.

Section 181. Subsection (4) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(4) TRANSFER OF OWNERSHIP.—

~~(a)~~ When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of $3.25. The county tax collector shall retain $2.25 of the fee and shall remit $1 to the department. A refund may not be made for any unused portion of a registration period.

~~(b) If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a bill of sale and a registration, or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.~~

Section 182. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less *$1.4 million for* any administrative costs *which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001*, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 183. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and ~~documented~~ vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c)~~(b)~~ Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and ~~to~~ all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less*.

(d)~~(c)~~ If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph *and*~~,~~ subsection (9), ~~and s. 715.05,~~ "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements

of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 184. *Section 715.05, Florida Statutes, is repealed.*

Section 185. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, *2002* ~~2001~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the *effectiveness* ~~efficiency and cost-effectiveness~~ of the pilot program.

Section 186. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a *settlement* ~~mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil action arising under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.

(7) *A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section.* ~~Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~

~~(a)~~ If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of $25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

~~(b) An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 187. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter*, or that requires a consumer not to disclose the terms of such agreement as a condition thereof,* is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 188. Section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles *and vessels* parked on private property; towing.—

(1) As used in this section, the *terms:*

(a) ~~term~~ "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.

(b) "Vessel" means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a documented vessel, as defined in s. 327.02(8).

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle *or vessel* parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles *or vessels*, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle *or vessel* from private property without the consent of the registered owner or other legally authorized person in control of that vehicle *or vessel* is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle *or vessel* must be stored at a site within 10 miles of the point of removal in any county of 500,000 population or more, and within 15 miles of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles *or vessels* on any day that the person or firm towing such vehicle *or vessel* is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle *or vessel*, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle *or vessel* must be stored at a site within 20 miles of the point of removal in any county of 500,000 population or more, and within 30 miles of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle *or vessel* shall, within 30 minutes of completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff of such towing or removal, the storage site, the time the vehicle *or vessel* was towed or removed, and the make, model, color, and license plate number of the vehicle *or the make, model, color, and registration number of the vessel* and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. If the registered owner or other legally authorized person in control of the vehicle *or vessel* arrives at the scene prior to removal or towing of the vehicle *or vessel*, the vehicle *or vessel* shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle *or vessel* without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 6., for which a receipt shall be given, unless that person refuses to remove the vehicle *or vessel* which is otherwise unlawfully parked *or located*.

4. The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles *or vessels* to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles *or vessels*, is prohibited.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle *or vessel* that the area in which that vehicle *or vessel* is parked is reserved or otherwise unavailable for unauthorized vehicles *or vessels* and subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle *or vessel* from private property without the consent of the owner or other legally authorized person in control of that vehicle *or vessel*, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. *Owners or lessees that remove vessels from their properties shall post notice, consistent with the requirements of this subparagraph, that unauthorized vehicles or vessels will be towed at the owner's expense.* The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles *or vessels*, if the property owner, lessee, or person in control of the property has a written contract with the towing company.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles *or vessels*.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles *or vessels* being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles *or Vessels* Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

A business owner or lessee may authorize the removal of a vehicle *or vessel* by a towing company when the vehicle is parked in such a manner that restricts the normal operation of business; and if a vehicle *or vessel* parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle *or vessel* removed by a towing company upon signing an order that the vehicle *or vessel* be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles *or vessels* and proposes to require an owner, operator, or person in control of a vehicle *or vessel* to pay the costs of towing and storage prior to redemption of the vehicle *or vessel* must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles *or vessels* as provided in this section.

7. Any person or firm towing or removing any vehicles *or vessels* from private property without the consent of the owner or other legally authorized person in control of the vehicles *or vessels* shall, on any trucks, wreckers as defined in s. 713.78(1)(b), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle *or vessel* shall be allowed with reasonable care on the part of the person or firm towing the vehicle *or vessel*. Such person or firm shall be liable for any damage occasioned to the vehicle *or vessel* if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle *or vessel* has been towed or removed pursuant to this section, it must be released to its owner or custodian within one hour after requested. Any vehicle *or vessel* owner, custodian, or agent shall have the right to inspect the vehicle *or vessel* before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle *or vessel* from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle *or vessel* owner, custodian, or agent as a condition of release of the vehicle *or vessel* to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle *or vessel* must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles *or vessels* are towed from private property.

(3) This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles *or vessels* which are marked as such or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle *or vessel* to be removed, such person shall be liable to the owner or lessee of the vehicle *or vessel* for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle; attorneys' fees; and court costs.

(5) Failure to make good faith best efforts to comply with the notice requirement of this section, as appropriate, shall preclude the imposition of any towing or storage charges against such vehicle or vessel.

(6)~~(5)~~(a) Any person who violates the provisions of subparagraph (2)(a)2. or subparagraph (2)(a)6. *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subparagraph (2)(a)7. *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 189. Subsection (3) is added to section 832.09, Florida Statutes, to read:

832.09 Suspension of driver license after warrant or capias is issued in worthless check case.—

(3) The Department of Highway Safety and Motor Vehicles shall create a standardized form to be distributed to the clerks of the court in each county for the purpose of notifying the department that a person has satisfied the requirements of the court. Notices of compliance with the court's requirements shall be on the standardized form provided by the department.

Section 190. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

And the title is amended as follows:

On page 209, line 8, after the second semicolon, insert: amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; amending 316.1967, F.S.; allowing a fine designated by county ordinance; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; authorizing university police officers to enforce state traffic laws violated on or adjacent to property under control of the university or its agents; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing traffic school reference guide requirements; amending s. 318.18, F.S.; allowing fine amount designated by county ordinance plus court costs; amending the date by which court clerks must electronically transmit to the department specified information; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; revising provisions relating to motor vehicle titles; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; amending s. 320.02, F.S.; requiring application forms for motor vehicle registration and renewal of registration to

include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring the department to count annual renewals when determining whether to discontinue a speciality license plate; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; providing for a Florida Golf license plate; amending s. 320.08058, F.S.; requiring the department to develop the Florida Golf license plate; providing for distribution of proceeds of the annual use fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; providing for the issuance of Pearl Harbor Survivor and Purple Heart license plates without payment to a disabled veteran; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.691 F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses;

House Amendment 2 (390491)(with title amendment) to Senate Amendment 1—On page 196, line 26 through page 197, line 13, remove from the amendment: all of said lines

And the title is amended as follows:

On page 206, lines 25-30, of the amendment remove: all of said lines and insert in lieu thereof: honor of certain individuals; amending s. 316.003, F.S.;

House Amendment 3 (404629)(with title amendment) to Senate amendment 1—On page 162, between lines 28 and 29, insert:

Section 107. *Notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, the Department of Transportation may use funds for arterial highway construction as appropriated in Specific Appropriation 2022 for all projects including Leon County, whether or not the contingency provided in that specific appropriation is met.*

And the title is amended as follows:

On page 206, line 31, after the semicolon, insert: providing that certain funds may be used for arterial highway construction whether or not certain contingencies are met;

House Amendment 4 (111849) to Senate Amendment 1—On page 171, line 26, through page 172, line 22, remove from the amendment: all of said lines, insert: *Department of Transportation, the administrator of the National Aeronautics and Space Administration, the Deputy Assistant Secretary of the Air Force for Space Plans and Policy, and the ex officio nonvoting council members of the Senate and the House of Representatives.*

(4)~~(3)~~(a) The council shall consist of an executive board *consisting*~~, which shall consist~~ of representatives of governmental organizations *having* ~~with~~ responsibilities for developing or operating space transportation facilities~~,~~ and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) *The executive board consists of* the following individuals ~~shall serve on the executive board~~:

1. The executive director of the Spaceport Florida Authority or his or her designee.

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.~~5.~~ The Secretary of Transportation or his or her designee.

3.~~6.~~ The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.

4.~~7.~~ The director of the Office of Tourism, Trade, and Economic Development or his or her designee~~, as an ex officio nonvoting member~~.

5. The chairperson of the Space Industry Committee, or his or her deignee.

6. The members of the Senate and House of Representatives who serve on the board of supervisors of the Spaceport Florida Authority, who shall be ex officio nonvoting members of the executive board.

House Amendment 5 (553449) to Senate Amendment 1—On page 194, line 6 through page 196, line 25 remove from the amendment: all of said lines and insert in lieu thereof:

Section 120. *The sum of $650,000 is appropriated to the Florida Commercial Space Financing Corporation from nonrecurring General Revenue for fiscal year 2001-2002, and the sum of $650,000 is appropriated to the Spaceport Florida Authority from nonrecurring General Revenue for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this section. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this section. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.*

House Amendment 6 (480931) to Senate Amendment 1—On page 87, line 23 through page 88 line 22 remove from the amendment: all of said lines and insert in lieu thereof:

(a) The council shall consist of:

1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.

2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.

3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.

(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.

(c) Initial appointments must be made no later than 60 days after this act takes effect. Vacancies in the council shall be filled in the same manner as the initial appointments.

House Amendment 7 (730927)(with title amendment) to Senate Amendment 1—On page 179, line 13 through page 183, line 4, remove from the amendment: all of said lines and insert in lieu thereof:

Section 116. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.

Section 117. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Section 118. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures,

community education and awareness efforts, and policies for the handling of complaints from the public.

And the title is amended as follows:

On page 207, line 25 through page 208, line 4, of the amendment remove: all of said lines and insert in lieu thereof: certain counties; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; creating ss. 332.201, 332.202, 332.203,

On motion by Senator Sebesta, the Senate concurred in the House amendments to the Senate amendment.

CS for CS for HB 1053 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Mitchell

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1672, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

House Amendment 1 (453059)(with title amendment)—Remove everything after the enacting clause and insert in lieu thereof:

Section 1. *Legislative intent.—The purpose of the Passport to Economic Progress Act is to provide incentives and services designed to assist individuals who are recipients of temporary cash assistance or who are former recipients of temporary cash assistance generate family income levels that help foster the achievement and maintenance of economic self–sufficiency. It is the intent of the Legislature to create through this act a demonstration program for the provision of such incentives and services, with the goal of developing a model for the continued evolution and enhancement of the welfare–reform efforts of the state.*

Section 2. *Passport to Economic Progress demonstration program.—*

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program by November 1, 2001, consistent with the provisions of this section in Hillsborough and Manatee counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.

(2) WAIVERS.—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with section 414.175, Florida Statutes.

(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in section 414.095(12), Florida Statutes, for individuals residing in the areas designated for this demonstration program, the first $300 plus one–half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of section 414.095(12), Florida Statutes, shall continue to apply to such individuals.

(4) TRANSITIONAL BENEFITS AND SERVICES.—In order to assist them in making the transition to economic self–sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in section 445.030, Florida Statutes, transitional education and training support services as specified in section 445.030, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in section 445.031, Florida Statutes, transitional transportation support services as specified in section 445.031, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in section 445.032, Florida Statutes, transitional child care as specified in section 445.032, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of sections 445.030, 445.031, and 445.032, Florida Statutes, shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(5) WAGE SUPPLEMENTATION.—

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.

2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.

3. It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation,

shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.

(c) To be eligible for wage supplementation under this subsection, an individual must:

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;

2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week; and

3. Have an average family income for the 6 months preceding the date of application for wage supplementation which is less than 100 percent of the federal poverty level.

(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.

(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one–stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.

(6) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(7) CONFLICTS.—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 3. *There is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services $310,000 to provide funds for 9 months to implement the additional income disregard for fiscal year 2001-2002. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation $3,222,500 to provide funds for 9 months to extend transitional benefits and services and to implement the wage supplementation program for fiscal year 2001-2002. The source of these funds is the Temporary Assistance for Needy Families block grant.*

Section 4. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, *at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1),* and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith–based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. Funds expended under this paragraph may not be used for religious or sectarian purposes. To provide after–school care programs under this paragraph, a community–based organization or a faith–based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.*

Section 5. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. *It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board.* The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 6. *Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.—*

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds as follows:

(a) Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly more important to being competitively qualified for high-skill, high-wage employment.

(b) The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high-skill, high-wage employment.

(c) Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competively qualified for high-skill, high-wage employment.

(d) The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent possible if such families realized their employment and income earning potential.

(e) The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment could be reduced, and the economy of the state could be enhanced, by designing and implementing programs that provide such opportunities to members of such at-risk families.

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the State Technology Office. The council shall consist of:

(a) The chief information officer in the State Technology Office.

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) The executive director of the State Board of Community Colleges.

(h) The executive director of the State Board for Career Education.

(i) The chair of the Network Access Point of the Americas.

(j) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(k) A representative of the information technology industry in this state appointed by the President of the Senate.

(l) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.

(m) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.

(3) TERMS OF APPOINTED MEMBERS OF COUNCIL; VACANCIES; COMPENSATION OF MEMBERS.—The appointed members of the council shall serve an initial term of 1 year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of 2 years, the first of which shall commence July 1, 2002, and end June 30, 2004. Successive 2-year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the council resulting from resignation, incapacity, or death shall be filled within 30 days after the date the vacancy is effective. The appointed members of the council shall serve without compensation, but such appointees and the other members of the council shall be entitled to receive per diem and reimbursement for travel expenses as provided in section 112.061, Florida Statutes. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.

(4) COUNCIL MEETINGS; ELECTION OF OFFICERS.—The council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the council shall elect a member to serve as chair and another to serve as vice chair, each for a term of 1 year from the date of the election. Any vacancy in the offices of chair and vice chair resulting from resignation, incapacity, or death shall be filled by similar election within 30 days after the date the vacancy is effective.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.—The State Technology Office shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the State Technology Office related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.—The council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.

(7) PROGRAM OBJECTIVES AND GOALS.—The programs authorized by this section shall have the following objectives and goals:

(a) Maximizing efficient and productive use of existing facilities, equipment, personnel, programs, and funds available from federal, state, and local government agencies and from any private person or entity.

(b) Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section.

(c) Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section.

(d) Recruiting, enrolling, retaining, and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high-skill, high-wage employment.

(e) Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families.

(f) Reducing the number of underemployed and unemployed members of at-risk families.

(g) Using information technology to facilitate achievement of the Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families.

(h) Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach, and administer all courses of instruction required and available by election of children enrolled in the system.

(i) Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree.

(j) Bridge the digital divide in developing a competitive workforce to meet the employment needs of state-based information technology businesses and establish this state as having the most information technology ready workforce in the western hemisphere.

(8) MONITORING, REVIEWING, AND EVALUATING PROGRAM PERFORMANCES; REPORTING RESULTS.—The council, through the State Technology Office, shall continually monitor, review, and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the council at least 10 days before each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented and identify and describe the facilities, equipment, personnel, programs, and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age, and sex the school-age children, and their older siblings and parents, who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age, and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high-skill, high-wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address, and nature of business each employer based in this state to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.

(9) ANNUAL REPORT.—By March 1, 2002, the council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title: the entire title and insert in lieu thereof: A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

WHEREAS, the state has achieved dramatic success in reforms to the welfare system, with more than 200,000 families leaving the welfare rolls since such reforms were enacted in 1996, and

WHEREAS, the majority of those who have left the welfare rolls have done so because of employment and have held no more than two different jobs since leaving welfare, and

WHEREAS, however, many of those who have left the welfare rolls are generating incomes below the federal poverty level, leaving them vulnerable to falling back into the welfare system, and

WHEREAS, there also are families that remain within the welfare system who are at risk of exhausting their eligibility for assistance and who would benefit from greater incentives to increase their earnings, and

WHEREAS, a strategy that encourages employment, training, and education represents the best approach for increasing family incomes and promoting economic self–sufficiency, and

WHEREAS, the Workforce Innovation Act of 2000 restructured the state's workforce system to provide individuals with enhanced opportunities to develop skills to secure, maintain, and advance in employment through training and education, and

WHEREAS, the expansion of incentives for employment, the extension of transitional support services, and the provision of wage supplements will further enhance the ability of families who are participants in the welfare system or who are leaving the welfare system to raise their incomes and achieve economic progress, NOW, THEREFORE,

On motion by Senator Lee, the Senate concurred in the House amendment.

CS for CS for SB 1672 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—King

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

Faye Blanton May 4, 2001
Secretary of the Senate

Dear Madam Secretary:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2001 Session of the

Florida Legislature:

Office and Appointment		*For Term Ending*
Board of Regents		
Appointees:	Beard, Richard A. III	01/01/2007
	Copeland, Natalie M.	09/01/2001
	Roberts, Carol K.	01/01/2007

Respectfully submitted,
Bill Posey, Chairman
Committee on Ethics and Elections

Faye Blanton May 4, 2001
Secretary of the Senate

Dear Madam Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointee:	Wilson, Carol P.	10/31/2002
Florida Black Business Investment Board		
Appointee:	Weaver, Ronnie H.	09/30/2004
Florida Building Commission		
Appointee:	Carson, Ed	04/05/2001
Florida Communities Trust		
Appointee:	Moure, Edwin C.	01/31/2001
State Board of Community Colleges		
Appointee:	Velazquez, Silvia M.	09/30/2000
Florida Commission on Community Service		
Appointees:	Brooks, Roy	09/14/2002
	Chandler-Thompson, Gwen	09/14/2003
	Charles, Sidney F.	09/14/2001
	Donley, Jeffrey R.W.	09/14/2000
	Morris, Patrick G.	09/14/2000
Board of Cosmetology		
Appointee:	Caetano, Joseph P.	10/31/2000
Education Practices Commission		
Appointee:	Morris, Thomas E.	09/30/2004
Florida Elections Commission		
Appointee:	Bogdanoff, Ellyn Setnor	12/31/2000
Florida Housing Finance Corporation		
Appointees:	Bermello, Willy A.	11/13/2002
	Meyer-Webb, Cindy	11/13/2000
Florida Commission on Human Relations		
Appointee:	Tyree, Bobby R.	09/30/2004
Gulf States Marine Fisheries Commission		
Appointee:	Ward, William M.	01/05/2001
State Board of Nonpublic Career Education		
Appointee:	Cox, Alison L.	07/01/2002
Jacksonville Port Authority		
Appointee:	Townsend, Ronald	09/30/2000
Apalachee Regional Planning Council, Region 2		
Appointees:	Collins, Fred H.	10/01/2000
	Shuler, Merel York	10/01/2000
	Stephens, Donald R.	10/01/2000
	Taylor, Jack, Jr.	10/01/2000
North Central Florida Regional Planning Council, Region 3		
Appointee:	Tompkins, James T.	10/01/2000
Northeast Florida Regional Planning Council, Region 4		
Appointee:	Laibl, George W. "Chip", Jr.	10/01/2000
East Central Florida Regional Planning Council, Region 6		
Appointee:	Diez, Richard F.	10/01/2000
Central Florida Regional Planning Council, Region 7		
Appointees:	Poole, David L., Sr.	10/01/2003
	Trussell, Tiffany Stanton	10/01/2001
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Groves, Janice E.	10/01/2000
	Leonard, F. Richard	10/01/2000
	Maio, Alan	10/01/2000
South Florida Regional Planning Council, Region 11		
Appointee:	Cates, Cheryl	10/01/2000
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Buchanan, Vernon G.	12/31/2003
	Portnoy, Simon	12/31/2001
Board of Supervisors, Spaceport Florida Authority		
Appointee:	Morris, Ronald L.	06/30/2004
Florida Commission on Tourism		
Appointee:	Craven, Mary B.	06/30/2000
Florida Commission on Veterans' Affairs		
Appointee:	Whibbs, Vince	11/16/2000
Governing Board of the Northwest Florida Water Management District		
Appointee:	Stuparich, Nancy	03/01/2001
Governing Board of the Southwest Florida Water Management District		
Appointee:	Chance, Edward W.	03/01/2001
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointee:	Dominguez, Margarita N.	03/01/2003
Manasota Basin Board of the Southwest Florida Water Management District		
Appointee:	Hooper, Maxine M.	03/01/2001
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Kraatz, Karen L.	03/01/2001
Workers' Compensation Panel		
Appointee:	Ostrowski, Norman	Pleasure of Governor

The Senate Committee on Ethics and Elections has failed to consider these appointments because:

a) the terms of the following persons have expired: Ed Carson; Edwin C. Moure; Silvia M. Velazquez; Jeffrey R. W. Donley; Partick G. Morris; Joseph P. Caetano; Ellyn Setnor Bogdanoff; Cindy Meyer-Webb; William M. Ward; Ronald Townsend; Fred H. Collins; Merel York Shuler; Donald R. Stephens; Jack Taylor, Jr.; James T. Tompkins; George W. "Chip" Laibl; Richard F. Diez; Janice E. Groves; F. Richard Leonard; Alan Maio; Cheryl Cates; Mary B. Craven; Vince Whibbs; Nancy Stuparich; and Edward W. Chance.

b) the following persons have resigned: Carol P. Wilson; Ronnie H. Weaver; Roy Brooks; Gwen Chandler-Thompson; Sidney Charles; Thomas E. Morris; Willy A. Bermello; Bobby R. Tyree; Allison L. Cox; David L. Poole; Tiffany Stanton Trussell; Ronald L. Morris; Margarita N. Dominguez; Maxine M. Hooper Karen L. Kraatz; and Norman Ostrowski.

b) the following persons are no longer required to be confirmed by the Senate: Vernon G. Buchanan and Simon Portnoy.

Based on the foregoing, the Senate Committee on Ethics and Elections respectfully advises and recommends that the Senate take no action on these appointments during the 2001 Regular Session.

Respectfully submitted,
Bill Posey, Chairman
Committee on Ethics and Elections

Faye Blanton May 4, 2001
Secretary of the Senate

Dear Madam Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration during the 2001 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the Regular Session immediately following the effective date of the appointment.

Office and Appointment		*For Term Ending*
Florida Communities Trust		
Appointee:	Moure, Edwin	02/01/2001
Education Practices Commission		
Appointee:	Orr, Deborah	10/01/2000
Education Standards Commission		
Appointee:	Riley, Barbara	10/01/2000
Board of Hearing Aid Specialists		
Appointees:	Sellers, Joann	02/07/2001
	Skelly, Janet	02/07/2001
Withlacoochee Regional Planning Council, Region 5		
Appointee:	Card, Jennifer	02/05/2001

Respectfully submitted,
Bill Posey, Chairman
Committee on Ethics and Elections

ENROLLING REPORTS

CS for SB 208 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 4, 2001.

Faye W. Blanton, Secretary

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 635, CS for HB 1541; has passed as amended CS for HB 337, HB 915, CS for HB's 1617 and 1487, HB 1861 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hart and others—

HB 635—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—was referred to the Committees on Transportation; and Appropriations.

By the Council for Competitive Commerce; the Committee on Economic Development and International Trade; and Representative Prieguez and others—

CS for HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Tourism; and Representative Garcia and others—

CS for HB 337—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Committee on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Ritter—

HB 915—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorporated land; providing for an election; providing for an effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

(Placed on the Local Bill Calendar and passed this day.)

By the Committee on Local Government and Veterans Affairs; and Representative Dockery and others—

CS for HB's 1617 and 1487—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect

of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

By the Committee on Elder and Long-Term Care; and Representative Green—

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

(Taken up out of order and passed this day.)

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 94, CS for SB 202, CS for SB 238, CS for CS for SB's 336 and 190, CS for SB 350, CS for CS for CS for SB 446, SB 532, SB 636, CS for SB 658, SB 676, CS for CS for SB 792, CS for SB 800, CS for SB 822, CS for CS for SB 856, CS for SB 892, CS for SB 904, CS for CS for SB 912, SB 958, CS for SB 962, CS for SB 978, CS for SB 1018, SB 1020, CS for CS for SB 1092, CS for SB 1172, CS for CS for SB 1204, CS for SB 1256, SB 1412, CS for SB 1468, CS for SB 1558, SB 1564, CS for SB 1726, SB 1738, CS for SB 1784, SB 1996, CS for SB 2012, SB 2274 and SB 2342.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1624 and CS for SB 1720 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendment 1 and passed SB 1162, CS for CS for CS for SB 1202 and CS for SB 1576 as further amended.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House amendment 2 and passed CS for SB 2 as further amended.

John B. Phelps, Clerk

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports as an entirety and passed CS for SB 466, CS for SB 1118, SB 2000 and SB 2002, as amended by the Conference Committee Reports.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 9, HB 21, CS for CS for HB 267, CS for HB 409, CS for HB 475, CS for HB 501, CS for HB 589, HB 757, CS for HB 979, HB 1225, HB 1265, HB 1741 and CS for HB 1803, HB 1821, HB 1903, as amended; and has concurred in Senate amendment 1 and passed HB 251, CS for CS for HB 269, CS for HB 277, CS for HB 367, HB 1157 and HB 1861, as amended.

John B. Phelps, Clerk

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 208 which he approved on May 4, 2001.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 3 was corrected and approved.

CO-SPONSORS

Senator Crist—CS for SB 2, CS for SB 118, SJR 124, CS for SB 200, CS for SB 238, CS for SB 256, SB 342, CS for CS for CS for SB 446, SB 622, SB 638, CS for SB 1306, CS for CS for SB 1312, CS for CS for SB 1456, SB 1650, SB 1914, CS for CS for SB 2008; Diaz de la Portilla—CS for CS for SB 856; Klein—CS for CS for SB 374; Wasserman Schultz—CS for SB 1342

VOTES RECORDED

Senator Constantine was recorded as voting "yea" on the following bills which were considered May 4: **SB 1382**, **CS for SB 1246**, **CS for SB 1234**, **CS for CS for CS for SB 1202**, **CS for SB 978**, **CS for SB 846**, **HB 1811**, **HB 1717**, **CS for HB 1253** and **CS for HB 501**; and was recorded as voting "nay" on the following bill which was considered May 4: **CS for CS for HB 1053**.

Senator King was recorded as voting "yea" on the following bills which were considered May 4: **CS for SB 846** and **SB 1382**.

ADJOURNMENT

On motion by Senator Lee, the Senate adjourned sine die at 8:58 p.m.